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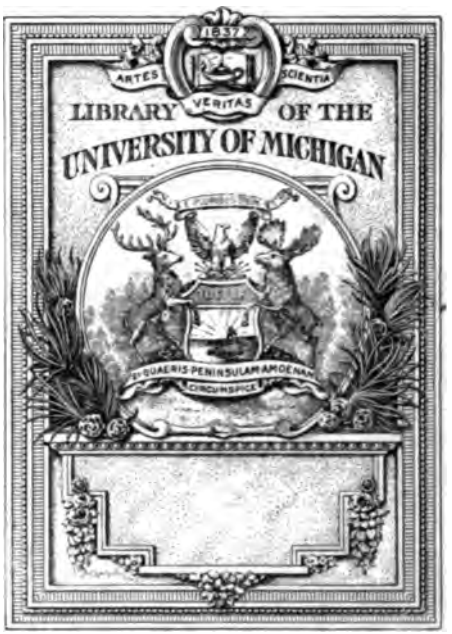
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60TH CONGRESS : : 1ST SESSION

DECEMBER 2, 1907-MAY 30, 1908

HOUSE REPORTS

(PUBLIC)

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT 2, Part 1.

NOTE.—Part 2 of this report is not printed because it is a duplication of Senate Report 10, part 2 (serial 5220).

REVISION AND CODIFICATION OF LAWS, ETC.

JANUARY 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MOON, of Pennsylvania, from the Special Joint Committee on the Revision of the Laws, submitted the following

REPORT.

[To accompany H. R. 11701.]

The House members of the Special Joint Committee on the Revision of the Laws, appointed under Public Resolution No. 19, Fifty-ninth Congress, second session, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission, having had under consideration the title "Crimes," reported by that Commission, and deeming it both necessary and expedient to make certain changes, additions, and omissions, report in lieu thereof the accompanying bill and submit the following report thereon:

The Commission to revise and codify the laws was provided for by the act of June 4, 1897 (30 Stat. L., 58), but its authority under that act was expressly limited to the work of revising and codifying the criminal and penal laws of the United States.

The language of the act, so far as it relates to such Commission, is—

That the President, with the advice and consent of the Senate, shall appoint three Commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work, as they shall see fit, to the Attorney-General, to be laid before Congress at his discretion.

That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change.

By the act of March 3, 1899, it was made the duty of the Commission to also revise and codify the judiciary act and the acts in amendment thereof, the provision imposing such additional duty being as follows:

It shall be the duty of the Commission appointed to revise and codify the criminal and penal laws of the United States, to revise and codify the laws

concerning the jurisdiction and practice of the courts of the United States, including the judiciary act, the acts in amendment thereof and supplementary thereto, and all acts providing for the removal, appeal, and transfer of causes.

On March 3, 1901, Congress again enlarged the duties of the Commission by the following provision embodied in the act making appropriations for sundry civil expenses for the year ending June 30, 1902:

That the Commission authorized by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, to revise and codify the criminal and penal laws of the United States, is hereby directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

That in performing this duty the said Commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revisions changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

That the said Commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision.

That when the Commission have completed such revision in accordance herewith it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

By a provision in the sundry civil appropriation act, approved June 30, 1906 (34 Stat., 754), the Commission for the Codification and Revision of the Laws was directed to make its final report to Congress on or before the 15th day of December next ensuing, and on that date the report was filed and this Commission, that had been in existence since the 4th of June, 1897, was thereby abolished.

The report of the Commission and the codification submitted by it is a work of great magnitude. It covers 1,900 pages and embraces 9,000 sections of proposed legislation, and covers the entire field of the permanent and general laws of the United States. It was executed by men of high legal attainments and evinces in its printed form exhaustive care, great labor, and minute accuracy.

This Commission interpreted its powers under the language of the various acts creating it to authorize it to alter and amend what it deemed the imperfections of existing statutes and to embody in its work such new legislation as in its judgment was required to supply the inequalities of existing law. Its recommendations to Congress, based upon this theory, report many of the sections altered in form and expressed in different language; many others so changed as to include different subject-matters and many new sections embracing subjects upon which Congress has never attempted before to legislate, but does not exhibit anywhere a simple codification of the existing laws.

Your committee was confronted, therefore, at the beginning of its labors with the lack of what to it seemed an indispensable basis for its deliberation and action, namely, this codification of existing laws, or a simple posting of the statute books whereby these laws

should be brought before us and before Congress at a glance, to the end that the need for proposed changes, if any, should be clearly presented and the wisdom of the proposed alterations and additions be made manifest by easy reference thereto. Your committee was obliged, therefore, as an indispensable requisite to this work, to proceed first to this work of codification, and the report herewith submitted presents a duplicate copy of the present bill with the existing law clearly printed upon the opposite page, section by section, so that a clear understanding may be had of the subject matter of each section while it is under discussion.

One essential feature of the work committed by Congress to the Revision Commission was not attempted by it, to wit, the preparation of an "index for easy reference to every portion of the revision." The preparation of this index must therefore necessarily be provided for by Congress, either by employing some person for that purpose or by committing the same to this committee.

STATUS OF EXISTING LAW.

The pendency of the present legislation upon this subject is therefore the direct outcome of this mandatory action upon the part of Congress, which action was the result of a widespread demand upon the part of the legal profession and of that considerable part of the general community directly interested in the application and enforcement of the law for a clear, perspicuous, and systematic compilation of the laws of the United States, to the end that ready and reliable reference might be had to the same, that the great mass of our citizens, bound by their provisions and liable to punishment for their infraction, might have adequate information thereon.

The last revision of the laws of the United States was made in 1878, and it is stated upon reliable authority that since that time more laws of a permanent nature have been passed than had been passed from the time of the adoption of the Constitution down to the time of that revision.

These laws are scattered through nearly twenty bulky volumes of the Statutes at Large. They are commingled with a voluminous mass of temporary enactments and are frequently found embodied in appropriation bills, the title and context of which would give no indication of their purport; and the very existence of which is discovered only by the trained lawyer and the painstaking student.

The present condition of the published statute laws of the United States affords ample justification for the imperative existing demand for prompt action upon the part of Congress in enacting this revision.

The published statutes of the United States—the only available form in which they exist—for judicial, professional, or public use or information are contained in the following books:

1. Revised Statutes, 1878.
2. First Supplement to Revised Statutes.
3. Second Supplement to Revised Statutes.
4. Statutes at Large, volumes 32, 33, and 34.

To all except the trained lawyer a reference to these recognized sources of existing law is both perplexing and misleading. They are of widely different authority, authenticity, and evidential value. A brief explanation of the contents of these respective volumes will be of value in this connection.

1. The Revised Statutes, 1878.—This published volume contains three forms of law of different degrees of authority.

(*a*) The main text of the book, which comprises the original authentic law of the land as adopted June 22, 1874, which, by section 5595, Revised Statutes, is made to embrace the statutes of the United States, general and permanent in their nature, in force on the 1st day of December, 1873, and which enactment also repealed all preexisting law. These statutes are an act of Congress duly passed by the Senate and House of Representatives and approved by the President. They prove themselves and no reference can be had to preexisting statutes to alter or correct the same.

(*b*) Amendments, corrections, errors, and omissions of the laws of 1873, as made by the Forty-third and Forty-fourth Congresses, which are indicated in the volume by the use of italics inclosed in brackets.

(*c*) New enactments of the Forty-third and Forty-fourth Congresses of a permanent and general nature, compiled and classified by a commissioner appointed by Congress. These are indicated in this volume by the use of roman letters inclosed in brackets.

By act of Congress, March 9, 1878, it was provided that parts printed in italics and inclosed in brackets and the parts printed in roman letters and inclosed in brackets shall be legal evidence of the laws therein contained in all courts of the United States and of the several States and Territories, but shall not preclude reference to nor control, in case of any discrepancy the effect of any original act of Congress as passed since the 1st day of December, 1873.

2. Supplement to Revised Statutes.—Volume 1 embraces the legislation of a general and permanent nature enacted at each session of Congress subsequent to the 1st day of December, 1873, down to and including the legislation of the Fifty-first Congress in 1891. As indicated in the preface to this volume, this publication is "neither a revision nor a consolidation." It is a reproduction of the laws enacted since the passages of the Revised Statues, which are neither obsolete, local, temporary and expired, special substituted nor repealed, arranged in chronological and numerical order as engrossed on the rolls of the State Department.

3. Supplement to Revised Statutes.—Volume 2 embraces nine separate parts of the supplementary pamphlet editions, which by act of June 4, 1897 (2 Sup. R. S., 623), is to be published at the close of each Congress. These supplements have been bound together, and constitute this volume with a consolidated index to the whole, containing the laws from 1892 to 1901.

4. Volumes 32, 33, and 34, Statutes at Large, containing the laws of the Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses from 1901 to 1907, unedited and confused with all of the provisional and temporary enactments of those three Congresses.

These supplements do not constitute a new enactment by Congress, and it is provided by the act authorizing the continuance of its publication, April 9, 1890 (1 Sup. R. S., 713), that the publications herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change or alter any existing law nor preclude reference to nor control in case of any discrepancy the effect of any original act passed by Congress.

This brief statement of the different values attaching to the various enactments comprised in the Revised Statutes of the United States

and the supplements thereto evince an irregularity and confusion which your committee venture to believe will hardly be found in the permanent laws of any other legislative body of modern times—a confusion resulting from unsystematic methods and which can be cured only by substituting a scientifically classified order for the existing chronological one.

The pending revision, if completed and enacted by Congress, will supersede all of the existing Revised Statutes and all general and permanent legislation subsequent thereto and will become the original and authoritative law of the land.

AMENDMENTS AND OMISSIONS—HOW INDICATED.

Your committee met and entered upon its work November 11, 1907, and has now completed its examination of the Penal Code prepared by the commission and reports the same with such changes and corrections as have seemed to it proper and necessary. Your committee has carefully compared every section of existing law here reproduced with the original and has considered and weighed with care every amendment, alteration, and addition.

To obviate the inconvenience resulting from existing statutes and proposed new ones being printed in the same type, your committee has caused existing law to be printed in roman and such amendments and new sections as it has reported to be printed in italics, while sections which have been redrafted or from which material matter has been omitted or which have been formed by combining two or more different sections or provisions of existing law are inclosed in brackets.

The substitution of "whoever" for "every person who" is made simply to secure uniformity in style and is not indicated by italics or brackets.

Mere changes in phraseology to avoid repetition or amend patent inaccuracies in the original text are not indicated by either brackets or italics.

For reason hereinafter stated the words "at hard labor," minimum penalties, and the designation of offenses as misdemeanors or felonies have been omitted pursuant to a policy approved by the committee, and as they are omitted throughout are not indicated by brackets or italics.

SCOPE OF BILL REPORTED.

The bill reported includes only the penal laws of the United States, or what may properly be termed the "Criminal title," embracing 342 sections, to be followed by other bills under their proper heads and titles, until the entire revision is completed.

Your committee in presenting the criminal title out of its regular order in the completed work of the revision was moved by several considerations which seemed to it to make this course preferable.

First. The permanent laws of the United States included in this revision comprise nearly 9,000 sections, and an attempt to enact them at one session and in one bill and to give them that critical consideration which such important legislation demands would necessitate a prolonged session of Congress and would so interfere with other work as to be impracticable.

Second. The criminal law is a separate and integral part of the general law. It is complete in itself and capable of almost entire separation therefrom.

Third. Congress has already established the order of importance of the various titles of this revision. The original act creating the Commission of Revision contemplated only the revision of the penal title. That act was passed in 1897, and the subsequent act directing the revision of all the laws was not passed until 1901; therefore the report of the Commission upon this was completed and first came before the committee for its consideration.

Of 174 new sections reported by the Commission under this title the committee recommends and has embodied in the bill reported herewith only 21, and of these but 10 create new offenses.

It is but just to the Commission and your committee as well to state that the refusal of the latter to recommend any particular section reported by the Commission creating a new offense should not be accepted as indicating opposition on its part to such legislation were it presented independent of the revision. On the contrary, it is the judgment of your committee that it would be wise to enact much of the new legislation recommended by the Commission which your committee has not felt at liberty to recommend in connection with the more important work of codification and revision lest it should retard or prevent its enactment.

Hence, while your committee fully recognizes the incompleteness of the existing criminal code and the numerous benefits that would result from the adoption of the more complete system framed by the Commission, after careful deliberation it has decided against recommending to Congress sweeping changes, and has restricted its recommendations in favor of legislation creating new offenses to a few sections providing against acts and omissions which, in its judgment, so manifestly should be made criminal that consideration thereof will not prevent the adoption at the present session of the revised penal code.

Your committee feels justified in saying that under this title it has—

First. Brought together all statutes and parts of statutes relating to the same subject.

Second. Omitted redundant and obsolete enactments.

Third. Made such alterations as seemed necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text.

Fourth. Proposed and embodied in the revision such changes in the substance of existing law as in our judgment were necessary and advisable.

NEW LAW AND ADDITIONS TO EXISTING LAW.

Aside from the necessity of introducing occasional amendments in order "to supply omissions and amend the imperfections of the original text," the committee has been influenced to insert additional provisions in a number of instances by the following considerations:

First. To so enlarge the statute as to provide against offenses frequently committed by the employment of devices and processes until recently unknown, and hence not prohibited by existing law.

Section 151 of the bill adding to existing law a provision punishing the counterfeiting of Government securities by the employment of lithographic processes is an illustration of this purpose.

Second. To provide for the punishment of certain offenses which in the experience of the departments have been found to be of frequent occurrence, but for the punishment of which there is at present no statute.

Section 225 of the bill, making it a penal offense to present a fraudulent claim for the loss of a registered letter, etc., is an illustration of new enactments under this head.

Third. The advantage of assembling under this title and making their violation penal, certain provisions in existing law that are now merely directory, the strict observance of which is, nevertheless, important in the administration of government.

Section 173 of the bill forfeiting materials for counterfeiting is an illustration.

It is believed that on examination the proposed new sections will make clear the necessity for their enactment and that no further explanation of them is required.

NEW SECTIONS.

The committee has recommended the enactment of 21 new sections, as follows:

OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT.

Section 33: False acknowledgments.
Section 47: Unlawfully entering fort, etc.

OFFENSES AGAINST OFFICIAL DUTIES.

Section 107: Falsely certifying, etc., as to record of deeds, etc.
Section 108. Other false certificates.

OFFENSES AGAINST PUBLIC JUSTICE.

Section 133: Juror or judicial officer, etc., accepting bribe.
Section 134: Witness accepting bribe.
Section 138: Prisoner escaping or attempting to escape.

OFFENSES AGAINST THE CURRENCY, COINAGE, ETC.

Section 163: Connecting parts of different instruments.

OFFENSES AGAINST THE POSTAL SERVICE.

Section 225: False claims for registered letters, etc.
Section 232: Definitions.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES.

Section 269: Definitions.
Section 271: Manslaughter.
Section 272: Punishment for murder; for manslaughter.
Section 288: Laws punishing certain offenses in the Territories made applicable.

PIRACY AND OTHER OFFENSES UPON THE SEAS.

Section 307: "Vessels of the United States" defined.

CERTAIN OFFENSES IN THE TERRITORIES.

Section 308: Places within which certain sections shall apply.

GENERAL AND SPECIAL PROVISIONS.

Section 332: Felonies and misdemeanors.
Section 334: Construction of certain words.
Section 335: Omission of words "hard labor" not to deprive court of power to impose.
Section 336: Arrangement and classification of sections.
Section 337: Jurisdiction of circuit and district courts.

CLASSIFICATION.

The classification adopted by your committee does not depart widely from that observed in the existing codification, yet it differs therefrom in some respects not wholly unimportant. The order in which the several chapters appear is distinctly different from the present arrangement. While these differences may not be deemed very, if at all, essential, it may be well to outline them and assign briefly our reasons for the departure. We give below the classification of offenses and arrangement of chapters, first, according to Revised Statutes, and second, in accordance with the plan we have adopted.

REVISED STATUTES.

Chapter one: General provisions.
Chapter two: Crimes against the existence of the Government.
Chapter three: Crimes arising within the maritime and territorial jurisdiction of the United States.
Chapter four: Crimes against justice.
Chapter five: Crimes against the operations of the Government.
Chapter six: Official misconduct, etc.
Chapter seven: Crimes against the elective franchise and civil rights of citizens.
Chapter eight: The punishment of accessories.
Chapter nine: Prisoners and their treatment.

PLAN ADOPTED BY COMMITTEE.

Chapter one: Offenses against the existence of the Government.
Chapter two: Offenses against neutrality.
Chapter three: Offenses against the elective franchise and civil rights of citizens.
Chapter four: Offenses against the operations of the Government.
Chapter five: Offenses relating to official duties.
Chapter six: Offenses against public justice.
Chapter seven: Offenses against the currency, coinage, etc.
Chapter eight: Offenses against the postal service.
Chapter nine: Offenses against foreign and interstate commerce.
Chapter ten: The slave trade and peonage.
Chapter eleven: Offenses within the admiralty and maritime and the territorial jurisdiction of the United States.
Chapter twelve: Piracy and other offenses upon the seas.
Chapter thirteen: Certain offenses in the Territories.
Chapter fourteen: General and special provisions.
Chapter fifteen: Repealing provisions.

Under the classification "Crimes against operations of the Government," in the present codification, are included offenses against the currency and against the postal service. It has seemed to your committee that to assemble all penal provisions for protection of the

for protection of the postal service under another, will greatly simplify the arrangement and afford readier access to the law in every case. Hence these two new chapters.

The foreign and interstate commerce of this country has assumed proportions so vast, is growing so rapidly, and legislative enactments pertaining thereto are already so numerous that it also seemed proper to collect the penal legislation relative thereto under a distinctive head.

"Chapter 8, The punishment of accessories," Revised Statutes, is unnecessary in the revision reported by your committee, as the subject-matter thereof (punishment of accessories) is covered by the general provision in chapter 14 hereinafter referred to.

The several sections which now constitute chapter 9, criminal title Revised Statutes, "Prisoners and their treatment," have been omitted from the penal title, as reported by your committee, for the reason that, in the plan adopted by the Commission, such sections will be distributed to other and more appropriate titles. Most of them will be found under the title "Penal and reformatory institutions," reported by the Commission. As these sections are not penal in character, but are simply enactments relating to the treatment and confinement of prisoners and convicts, it is the judgment of your committee that the plan of the Commission is the more logical and systematic disposition of them.

In the Revised Statutes many sections, penal in character, pertaining to the slave trade do not appear under the crimes title, but are a part of a separate and independent title, namely, "Title LXX, The slave trade," while other sections similar in purpose and character are found in chapters of the crimes title. It has seemed to your committee that the more orderly and systematic arrangement is to include them all in a separate chapter under the penal title. They will be found in chapter 10 of the bill reported.

Your committee has also included in this title a chapter, viz, Chapter II, under the heading "Neutrality." The sections constituting this chapter are not included in the criminal title of the Revised Statutes, but are provided for in a separate title, viz, Title LXVII. They are penal in character and unquestionably should appear in the penal title.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME JURISDICTION.

A more comprehensive and uniform designation of the waters within the admiralty and maritime jurisdiction of the United States seemed to your committee desirable. In existing law the water or territory within which commission of the act denounced is made criminal is stated at more or less length in each section. The Commission, at page 1829, volume 2, of its report, has undertaken to name specifically every water to which the admiralty and maritime jurisdiction extends, and has then provided that certain acts committed on any such waters shall be crimes, etc. While the plan of the Commission is a great improvement on the existing system, or want of system, it is open to the objection that the list may possibly not include every place within such jurisdiction Therefore your committee has agreed upon what seems to it to be a brief general description, which com-

prehends every water to which the admiralty and maritime jurisdiction extends, namely:

SEC. 269. The crimes and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely, Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence, where the same constitutes the international boundary line.

That the admiralty and maritime jurisdiction of the United States extends to the high seas and all navigable waters within the territory of the United States will not be questioned. It seems equally clear that it extends to vessels belonging to the United States or to citizens thereof when on a navigable water within the limits of a foreign State, and all cases arising on board such vessel while on any such waters are clearly cases within the admiralty and maritime jurisdiction of the United States.

In the case of the *Eagle* (8 Wall., 15) the court, after stating the fact that the case of the *Genesee Chief* (12 Howard, 443) had established the doctrine that the navigability of a water and not the ebb and flow of the tide is the test of admiralty jurisdiction, said:

It follows, as a necessary consequence of this interpretation of the grant in that instrument, the district courts, upon whom the admiralty jurisdiction was exclusively conferred by the judiciary act of 1789, can take cognizance of all civil causes of admiralty jurisdiction upon the Lakes and waters connecting them, the same as upon the high seas, bays, and rivers navigable from the sea. These waters fall within the same category and are subject to the same jurisdiction, and hence the circumstance that a portion of them lie within the limits of another sovereignty constitutes no objection to the exercise of this power. Before the limit of tide water was removed by the judgment in the case of the *Genesee Chief* this jurisdiction was constantly exercised in cases of marine torts upon the high seas, bays, and rivers in which the tide ebbed and flowed occurring in any part of the world, and in respect to which an American ship was concerned, and, since that judgment, occurring upon any bay or public river as far as navigable, irrespective of the tide.

Since the recent acts of Parliament in England removing the ancient restrictions by the common-law courts upon the admiralty jurisdiction it seems to be exercised as freely and broadly as in this country. The case of the *Diana* arose out of a collision on the great Holland Canal in 1862. An exception was taken to that jurisdiction, founded upon the old objection, but was overruled by Doctor Lushington. So in the case of the *Courier*, which was a collision on the Rio Grande in foreign waters; and the *Griefswald* the same.

In the United States *v.* Rodgers (150 U. S., 249) the court, at pages 263, 264, 265, and 276, said:

The Detroit River from shore to shore is within the admiralty jurisdiction of the United States and connects with the open waters of the Lakes—high seas, as we hold them to be within the meaning of the statute. From the boundary line near its center to the Canadian shore is out of the jurisdiction of the State of Michigan.

It is true * * * that, as a general principle, the criminal laws of a nation do not operate beyond its territorial limits and that to give any government or its judicial tribunals the right to punish any act or transaction as a

crime it must have occurred within those limits. We accept the doctrine as a general rule, but there are exceptions to it, as fully recognized in the doctrine itself. One of those exceptions is that offenses committed upon vessels belonging to citizens of the United States, *within their admiralty jurisdiction* (*that is, within navigable waters*), though out of the territorial limits of the United States, may be judicially considered when the vessel and parties are brought within their territorial jurisdiction. As we have before stated, a vessel is deemed part of the territory of the country to which she belongs. Upon that subject we quote the language of Mr. Webster, while Secretary of State, in his letter to Lord Ashburton of August, 1842. Speaking for the Government of the United States, he stated, with great clearness and force, the doctrine which is now recognized by all countries. He said:

"It is natural to consider the vessels of a nation as parts of its territory though at sea, as the state retains its jurisdiction over them, and according to the commonly received custom this jurisdiction is preserved over the vessels even in parts of the sea subject to a foreign dominion. This is the doctrine of the law of nations, clearly laid down by writers of received authority and entirely conformable, as it is supposed, with the practice of modern nations. If a murder be committed on board of an American vessel by one of the crew upon another or upon a passenger, or by a passenger on one of the crew or another passenger, while such vessel is lying in a port within the jurisdiction of a foreign state or sovereignty, the offense is cognizable and punishable by the proper court of the United States in the same manner as if such offense had been committee on board the vessel on the high seas.

"The law of England is supposed to be the same. It is true that the jurisdiction of a nation over a vessel belonging to it while lying in the port of another is not necessarily wholly exclusive. We do not consider or so assert it. For any unlawful acts done by her while thus lying in port, and for all contracts entered into while there by her master or owners, she and they must, doubtless, be answerable to the laws of the place. Nor if her master or crew, while on board in such port, break the peace of the community by the commission of crimes, can exemption be claimed for them. But nevertheless the law of nations, as I have stated it, and the statutes of governments founded on that law, as I have referred to them, show that enlightened nations in modern times do clearly hold that the jurisdiction and laws of a nation accompany her ships not only over the high seas, but into ports and harbors or wheresoever else they may be water borne, for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof, and that, to the extent of the exercise of this jurisdiction, they are considered as parts of the territory of the nation herself." (6 Webster's Works, 306, 307.)

The place in the Detroit River within the territorial limits of the Dominion of Canada where this offense is alleged to have been committed was doubtless "within the admiralty jurisdiction of the United States," under the decision in the *Genesee Chief*, and was "out of the jurisdiction of any particular State," under the decision in United States *v.* Brailsford (5 Wheat., 184, 189, 200), already cited. Nor is there any doubt of the power of Congress to punish crimes committed on American vessels, wherever they may be afloat. (United States *v.* Furlong, 5 Wheat., 184, 194; Crapo *v.* Kelly, 16 Wall., 610, 624–626.)

While it is true that a vessel is deemed a part of the territory of the country to which she belongs, a case arising on board of her or growing out of the manner in which she is sailed is a case "of admiralty and maritime jurisdiction," and hence within the admiralty and maritime jurisdiction of the country to which she belongs.

Thus, Mr. Benedict, in his work on Admiralty, third edition, page 99, says:

Admiralty, a court having cognizance of *all* maritime affairs, civil as well as criminal. *Maritime*, relating to the sea.

And on page 100:

If we examine the etymology or received use of the words *admiralty and maritime jurisdiction*, we shall find that they include the judicial jurisdiction of the admiral and of all maritime causes or causes arising from things done upon and relating to the sea.

It was held in the case of the *Genesee Chief*, supra, and affirmed in the *Eagle*, supra, "that the *admiralty jurisdiction* over all navigable waters depends upon the Constitution and not upon any act of Congress."

MURDER AND MANSLAUGHTER.

Under existing law there is no statutory definition of the crimes of murder or manslaughter. The Commission reported sections defining such crimes, and the committee has changed them in some respects.

Section 5339, Revised Statutes, provides that whoever "upon the high seas or in any arm of the sea," etc., "maliciously strikes, stabs, wounds, poisons, or shoots at another, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, *either on land or sea within or without the jurisdiction of the United States*, shall suffer death."

It is not improbable that were the question squarely presented to the Supreme Court it would be held that in the absence of statute providing otherwise the crime is committed at the place where the mortal injury is inflicted. We believe such is the weight of authority. Nevertheless there is authority to the contrary, and the Supreme Court of the United States, in one case at least, has held that an averment in the indictment of the place of death is an essential allegation. (Ball *v.* United States, 140 U. S., 133–136; U. S. *v.* Collier, 79 Fed., 59; Tyler *v.* The People, 8 Mich., 320; Commonwealth *v.* Macloon, 101 Mass., 1.)

Your committee, therefore, has deemed it wise to insert a section providing that the crimes of murder and manslaughter shall be deemed to have been committed where the mortal injury was inflicted, regardless of the place where death occurs. (See sec. 333.)

GENERAL FEATURES.

Certain features have been embodied in the bill reported that characterize the whole system rather than pertain to any particular part of it. These are—

First. The omission from the various sections of the law of the designation of the respective offenses therein denounced, as felonies or as misdemeanors, and the insertion of a general provision establishing this classification.

Second. The omission from the various sections of the law imposing imprisonment of the added qualification of hard labor.

Third. The classification of accessories before the fact as principals.

Fourth. The establishment of a general principle of maximum penalties only.

Felony as it existed at common law was distinguished as an offense carrying with it forfeiture of land and goods as a part of the punishment. This qualifying distinction disappears altogether from our criminal jurisprudence with the abolition of fines and forfeitures. It remains to-day only as a term intended to designate "infamous crimes" and as having some relation to certain features of criminal procedure. An examination of our existing statutes will reveal the fact that it is indiscriminately applied, being often affixed to an offense of lesser magnitude than others that are designated as misdemeanors, and has thus become misleading and frequently harmful by its indefinite classification.

More than thirty-five States in the Union have legislated upon this subject and have defined felonies as offenses punishable by imprisonment in the penitentiary. The Supreme Court of the United States has held that "infamous crimes" within the meaning of the Constitution are those which are punished by imprisonment in the penitentiary. (Ex parte Wilson, 114 U. S., 417; Mackin *v.* United States, 117 U. S., 348.) Under existing law it is provided that where "any person convicted of any offense against the United States is sentenced to imprisonment for a period longer than one year, the court by which the sentence is passed may order the same to be executed in any State jail or penitentiary," and the Supreme Court has held that under the statute only in cases where the imprisonment is for a term exceeding one year can the convict be confined in the penitentiary. (Ex parte Karstendick, 93 U. S., 396.) Your committee has drawn the distinction between felonies and misdemeanors as follows:

All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors.

The provisions in various sections imposing hard labor as an added punishment to imprisonment have been found in actual practice to be difficult of application because of the fact that the United States Government has no adequate prisons under its own control for the incarceration of all prisoners under sentence, but is obliged to use for this purpose such prisons of the various States as may be designated by the Attorney-General and permitted by the State authorities. The regulation of prison discipline in these various State institutions is necessarily under the direction and control of the respective States, and different regulations respecting hard labor exist in the different States.

We have therefore omitted from the penalties imposed in the various sections the distinction heretofore existing which in some cases added to imprisonment the condition of hard labor and in other instances made no such provision.

Under existing law a convict sentenced to be confined in a State institution is subject to the regulation of hard labor as therein imposed as a part of the prison discipline (*Ex parte Karstendick*, *supra*); and inasmuch as all Federal prisons have this disciplinary provision, a convict wherever sent for imprisonment will, under the recommended change, be subject to hard labor as a part of the prison discipline instead of a part of the sentence. The same result is therefore obtained and the existing incongruity overcome.

The committee has deemed it wise to make those who are accessories before the fact at common law principal offenders, thereby permitting their indictment and conviction for a substantive offense.

At common law an accessory can not be tried without his consent before the conviction or outlawry of the principal except where the principal and accessory are tried together; if the principal could not be found or if he had been indicted and refused to plead, had been pardoned or died before conviction, the accessory could not be tried at all. This change of the existing law renders these obstacles to justice impossible. An accessory after the fact is herein made subject to one-half of the term of imprisonment or fine imposed upon principals, or where the principal is punishable by death, then the

punishment for the accessory is fixed at imprisonment for not more than ten years.

The committee has also adopted a uniform method of fixing in all offenses not punishable by death the maximum punishment only, leaving the minimum to the discretion of the trial judge.

The criminal law necessarily subjects to its corrective discipline all who violate its provisions. The weak and the vicious, the first offender and the atrocious criminal, the mere technical transgressor and the expert in crime are alike guilty of the same offense. In the one case the utmost severity of punishment can scarcely provide the protection to which society is entitled; in the other anything except a nominal punishment may effectually prevent the reclamation of the offender.

The argument most frequently urged against leaving the minimum punishments to the discretion of the trial judge is that it affords parties convicted of crime of a heinous character an opportunity to obtain immunity because of the weakness or dishonesty of judges. It has been well said by a distinguished authority upon this subject that—

> Instances of the former are rare, and of the latter none is believed by us ever to have existed. The purity of our judiciary is one of the things which calumny has as yet left untouched.

This recommendation will be found to be in accordance with the humane spirit of advanced criminal jurisprudence. The early English statutes were proverbially cruel; the gravest crimes and the most trivial offenses alike invoked the penalty of death. Our own crimes act of 1790 reflected this barbarous spirit and denounced the death penalty for thirteen distinct offenses, but this spirit of vindictive retribution has entirely disappeared. We have abolished the punishment of death in all except three cases—treason, murder, and rape—and have provided that even in these cases it may be modified to imprisonment for life; and as humane judges in England availed themselves of the most technical irregularities in pleadings and proceedings as an excuse for discharging prisoners from the cruel rigors of the common law, so jurors here often refuse to convict for offenses attended with extenuating circumstances rather than submit the offender to what in their judgment is the cruel requirement of a law demanding a minimum punishment.

REPORT IN DETAIL OF PROPOSED CHANGES.

The sections embraced in this bill may properly be divided into four classes:

(1) Those sections derived from a single section or act, in which the only change consists in the use of the word "whoever" for "every person who," and the omission of minimum punishments, the words "hard labor" and the designation of felony, high misdemeanor, or misdemeanor.

(2) Those sections, whether derived from a single section or act, or formed by combining different sections or acts, which have been so amended as to include acts of a kindred character and the employment of new means of committing them, the new matter being indicated by italics.

(3) Those sections, whether derived from a single section or act, or formed by combining different sections or acts, which may or

may not contain new matter (indicated by italics), from which any material matter has been omitted.

(4) New sections.

While the sections may be grouped as above indicated, yet, in order to avoid confusion, it has been deemed best, in pointing out the changes made, to take up the sections in their numerical order.

Sections 1, 2, 3, 4: These sections belong in class 1.

Sections 5, 6, 7: These sections are so amended as to apply in "any place subject to the jurisdiction" of the United States.

Section 8: The word "person" is substituted for "soldier or sailor," and the section is broadened so as to apply in "any place subject to the jurisdiction" of the United States.

Sections 9, 10: These sections belong in class 1.

Section 11: This section is broadened so as to apply anywhere within the "territory or jurisdiction" of the United States.

Sections 12, 13, 14, 15: These sections belong in class 1.

Section 16: This section is so amended as to apply to all ports "under the jurisdiction" of the United States.

Section 17: This section is so amended as to apply in "any place subject to the jurisdiction" of the United States.

Sections 18, 19, 20: These sections belong in class 1.

Sections 21, 22: The italicised words clearly indicate the slight changes made in these sections.

Sections 23 to 29: These sections belong in class 1.

Section 30: Sections 5418 and 5479, Revised Statutes, from which this section is derived, largely duplicate each other and have therefore been merged in one section. The words italicised clearly indicate the amendments to the section.

Section 31: The amendments consist in adding the word "contract" and in stating in simple language the punishment.

Section 32: Section 5422, Revised Statutes, leaves the punishment in the discretion of the court, without fixing a maximum. The maximum is here fixed and the word "contract" added.

Section 33: This section is new. As originally drafted, it was designed to reach officers making false acknowledgements in contracts, etc., with the Post-Office Department, that Department having strongly recommended such a section in order to put a stop to abuses which frequently occurred with respect to mail and other contracts. The committee, approving of the recommendation, broadened the section so as to punish false acknowledgements with respect to any contract made with or on behalf of the Government.

Sections 34, 35, 36: These sections belong in class 1.

Section 37: The only change in this section is the addition of the words "or both," at the end of the section, so that both fine and imprisonment may be imposed.

Sections 38, 39, 40: These sections belong in class 1.

Section 41: This section really belongs in class 1, as the only change consists in carrying into the section the penalty for its violation, the penalty at present being found in section 5450, Revised Statutes.

Section 42: The only change in this section consists in the addition, at the end of the section, of the words "or both," the purpose of which is obvious.

Section 43: Section 1783, Revised Statutes, applies only to officers of "banking or other commercial" corporations. These words have been omitted, so that the section may reach the officers of "any" corporation; and it is also broadened so that its provisions will cover officers and agents of any "joint stock company or association."

Section 44: Section 1553, Revised Statutes, is a duplication of the latter part of section 5455. The sections have therefore been combined in one section. The word "seaman," where italicised, has been added.

Section 45: In this section the word "artificer" has been substituted for "armorer," which is obsolete; and the words "or both" have been added at the end of the section.

Section 46: The words "wantonly, or maliciously," before "trespass," have been omitted as unnecessary, as the word "willfully" will include any wanton or malicious act.

The words "or shall knowingly, willfully, or wantonly violate any regulation of the War Department that has been made for the protection of such mine,

torpedo, fortification, or harbor defense system," have also been omitted, your committee being opposed to the principle of attaching penalties to the violation of a rule or regulation of an Executive Department.

Section 47: This section is new. It was strongly recommended by both the War Department and the Department of Justice. It is but an extension of the provisions of the preceding section, and is designed to punish persons who, having been ejected from a fort, reservation, etc., return for the purpose of obtaining information respecting the strength, etc., of the fort, etc., or for the purpose of inducing the men to visit saloons, dives, and similar places. Such persons may now go upon forts and reservations repeatedly for such purposes and there is no law to punish them.

Section 48: This section belongs in class 1.

Section 49: The only change in this section consists in the omission of the provision which authorizes the trial of the offender either in the district in which the offense may have been committed, or in which he may carry or have in possession the property embezzled; the committee being of the opinion that to permit the trial of an offender in any district in which he might be found with the property, might subject him to unnecessary hardship.

Section 50: The change made in this section consists in the omission of a similar provision to that omitted from the preceding section, and for the same reason; and also the provision that the judgment of conviction of the principal "shall be conclusive evidence in the prosecution against such receiver," that the property which he is charged with receiving has been embezzled, stolen, or purloined; the committee having serious doubts as to the validity of such a provision.

Section 51: The act of August 4, 1892, extended the provisions of the act of June 3, 1878, to all the "public-land States." Aside from a slight change in phraseology for purposes of revision, the only change in the section is that making imprisonment a part of the punishment, the committee believing that a fine alone is not adequate punishment for the acts denounced in the section.

Section 52: Section 5388, Revised Statutes, punishes the unlawful cutting of timber upon military and Indian reservations; the act of March 3, 1875, the unlawful cutting of timber, etc., upon other reservations. For this reason the two provisions have been combined. The words "or any shade or ornamental tree, or any other kind of tree," are omitted as redundant.

Section 53: This section belongs in class 1.

Section 54: The words "or maliciously," in the first line, are omitted, the intent being fully covered by the word "willfully." The other redundant matter omitted adds nothing to the section, and it properly belongs in class 1.

Sections 55, 56: These sections belong in class 1.

Section 57: While the language of the act revised in this section has been transposed and the redundant matter omitted, the only change made in the section consists in the addition of imprisonment as a part of the punishment, or both. The last sentence of the act directing the Secretary of the Interior to enforce its provisions is unnecessary, as such authority is conferred in general acts applying to all reservations.

Section 58: The two sections of the act revised in this section are partly duplications of each other, and for that reason have been combined. The section has been broadened so as to include "other live stock." The proviso to the section has been simplified, the term "unreserved" being substituted for the omitted language.

Section 59: The changes made in this section consist in the addition of the word "willfully," before destroy, and in increasing the imprisonment from one hundred days to six months, or both; and also in the omission of the provision authorizing payment of $25 to an informer.

Sections 60, 61: These sections belong in class 1.

Section 62: The changes made in this section consist in enlarging its terms so as to include telephone and cable lines and systems. The transposition of the language used, and the omission of redundant language, neither adds to nor takes from the section anything material.

Section 63: This section belongs in class 1. The references to the several acts in this case indicate nothing more than the repeated re-enactment of the provision.

Section 64: The only real change made in this section consists in the addition of the words "or both," at the end of the section. The omission of the words "who discharges any deadly weapon at" takes nothing from the section, as the

act of discharging a weapon is embraced and covered by the words "shall use any deadly weapon," etc.

Sections 65, 66: These sections belong in class 1.

Section 67: The only change made in this section consists in the addition of the words "or of the internal revenue."

Section 68: The punishment for a violation of section 5448, Revised Statutes, is a fine of $500. The change consists in the addition of the words "not more than."

Section 69: The only change in this section is in the addition of the words "or both," at the end of the section.

Section 70: The words "or both," added at the end of the section, indicate the only change made.

Section 71: This section belongs in class 1.

Section 72: The offices of "commercial agent, and vice-commercial agent" have been abolished by law. The words "or other person employed in the consular service" have been inserted in place of those omitted.

Section 73: Imprisonment for "one year" has been substituted for "twelve months." The section belongs in class 1.

Section 74: This section belongs in class 1.

Section 75: This section properly belongs in class 1, but is printed in brackets because of the rearrangement of its provisions and the omission of redundant language. The new matter is fully indicated by italics.

Sections 76, 77, 78: These sections belong in class 1.

Section 79: This section is formed by combining section 5429, Revised Statutes, with section 19 of the naturalization act of June 29, 1906. No change has been made in the section.

Sections 80, 81: These sections belong in class 1.

Section 82: In this section there has been a general transposition of the language of section 5395, but nothing has been added to or taken from the section.

Section 83: The new matter added to this section is for the purpose of making clear the right to punish violations of the five preceding sections, even though the court in which the proceeding is had or taken had no jurisdiction in naturalization proceedings.

Sections 84, 85: These sections belong in class 1.

Section 86: Aside from the omission of redundant language, the only change made in this section is the omission of the proviso that the section shall not apply "to the Black Hills Forest Reservation, in South Dakota."

Section 87: Aside from a transposition of some of the language of the section, the only change made is the dropping from the end of the section of the words "except those officers and agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter." The committee deemed this language superfluous.

Section 88: This section is broadened so as to make its provisions apply to any "clerk, agent, employee, or other person" in addition to any officer charged with the disbursement of any appropriation; and is also changed by the addition of the words "not more than" in the last line of the section.

Section 89: This section has been rewritten for the sake of clearness. The only change made is the addition of the words "or person acting as such," in the second line of the section.

Section 90: This section belongs in class 1.

Section 91: In revising this section, the committee reverted to the act of August 6, 1846, from which section 5490 was drawn, to get at its true meaning; and transposed the language so as to more nearly conform to its arrangement in the original act.

Section 92: This section belongs in class 1.

Section 93: Aside from the addition of the words "or under his control," in the second line of the section, the only other change consists in a transposition of the language of the section.

Sections 94, 95, 96, 97: These sections belong in class 1.

Section 98: By reason of the rearrangement of sections, the present penalty is carried into the section, instead of having to refer to some other section to discover the penalty. No change, therefore, has been made in the section; but the latter portion has been made a separate section (sec. 99).

Section 99: The fine which may now be imposed under this section is the value of the money or property embezzled. This has been changed by adding the words "not more than" the value of the money or property embezzled.

Section 100: The fine which may be imposed for a violation of section 5503, Revised Statutes, is $3,000. This is changed so that the fine shall be "not more than" $3,000.

Section 101: This section belongs in class 1.

Section 102: Aside from a transposition of its language, no change has been made in this section.

Section 103: This section belongs in class 1.

Section 104: Section 1785, Revised Statutes, was, in effect, superseded by section 17 of the tariff act of July 24, 1897. The only change in the section is in the use of the word "producing" for "procuring."

Section 105: This section is a combination of sections 1788 and 1789, Revised Statutes. As no change has been made in the section it really belongs in class 1.

Section 106: Aside from a transposition of language no change has been made in this section, and it really belongs in class 1.

Sections 107, 108: These sections are new, and are inserted for the purpose of providing a means of punishing officers of the United States for making false certificates with respect to documents and other matters under their charge.

Sections 109, 110, 111: These sections belong in class 1.

Sections 112 to 117: In addition to a slight transposition of language each of these sections has been broadened so as to apply to Members of Congress from the time of their election and before qualification and during their continuance in office; and also so as to include Resident Commissioners from any Territory of the United States. The few additional minor changes in these sections are plainly indicated by italics.

In section 117 the words "other than such as are hereinbefore excepted" are omitted as unnecessary, in view of the order in which the sections have been rearranged.

Section 118: Because section 3742, Revised Statutes, precedes section 3740. Revised Statutes, the exception contained in this section is made applicable to the "two" preceding sections instead of "the" preceding section. The exception is also extended to Resident Commissioners.

Section 119: The punishment which may now be imposed for a violation of the provisions of section 5501, Revised Statutes, is to be found in sections 5500 and 5502, Revised Statutes. These punishments are carried into this section. The only other changes made, which are merely for correction of language, are clearly indicated by italics.

Section 120: This section is amended so as to render Resident Commissioners subject to its provisions.

Sections 121, 122: These sections belong in class 1.

Section 123: This section is amended so as to make Resident Commissioners subject to its provisions.

Section 124: This section belongs in class 1.

Section 125: The change in this section consists in the omission of the provision declaring that a person found guilty of perjury shall be incapable of giving testimony in any court of the United States until such time as the judgment against him shall be reversed. In many of the States this bar has been removed, leaving the court or jury to say in each case what weight shall be given the testimony of any such witness.

Section 126: This section belongs in class 1.

Section 127: The only change in this section is that authorizing the imposition of both fine and imprisonment.

Section 128: The words italicized clearly indicate the amendments suggested in this section. The words "without reference to the value of the record, paper, document, or proceeding so taken," are omitted as redundant, as they add nothing to the section.

Section 129: The changes in this section are similar to those made in section 128, and are clearly indicated by italics. In view of these changes, the words "specified in section fifty-four hundred and three" are dropped as being unnecessary.

Section 130: This section belongs in class 1.

Section 131: The punishment for a violation of section 5449, Revised Statutes, is a fine and imprisonment at the discretion of the court. A maximum fine and imprisonment has been fixed by the committee. The enlargement of the scope of the section is fully indicated by the language printed in italics.

Section 132: The only change made in this section consists in fixing the maximum fine and imprisonment which may be imposed, the punishment now being left to the discretion of the court.

Sections 133, 134: These sections are new, and are but extensions of the principle contained in sections 131 and 132. The committee deemed it better to provide for the punishment of such acts by separate sections, rather than by the incorporation of the necessary provisions in the latter sections.

Section 135: Sections 5399 and 5404, Revised Statutes, are so closely related in their subject-matter that they have been consolidated; and have also been enlarged so as to punish the unlawful acts denounced, when the matter is one pending before a United States commissioner or an officer acting as a commissioner.

Section 136: The change in this section consists in the omission from the first line of the words "in any State or Territory," so that the acts denounced in the section may be punished when committed with respect to witnesses called, or jurors chosen, in *any* court of the United States; and also in making the provisions of the section applicable to hearings before United States commissioners or officers acting as such.

Section 137: The only change in this section consists in the omission of the words "without the order previously obtained of the court before which the juror is summoned."

Section 138: This section is new, and is intended to discourage attempts to escape, and to afford a measure of protection to officers having prisoners in their custody. Nearly all of the States have similar statutes.

Section 139: This section belongs in class 1.

Section 140: To this section has been added language carrying into it the provisions of section two of the act of February 6, 1905, relative to the extradition of persons to and from the Philippine Islands.

Section 141: Aside from a transposition of the language of the section, the only other changes consist in extending its provisions to any person authorized to serve or execute any writ or process, and to writs and process issued by United States commissioners.

Section 142: Section 5516, Revised Statutes, applies only to obstructing officers in the enforcement of the provisions of sections in the title "Civil rights." The section has been so broadened as to punish the rescue or attempt to rescue from any officer of any person held under process of any court of the United States. That portion of the section which relates to obstructing process is omitted as being covered by section 141.

Section 143: The punishment for rescuing any person sentenced to death, while going to or during execution, is life imprisonment. The committee has reduced the punishment to a fine not exceeding $25,000, and imprisonment not exceeding twenty-five years.

Section 144: This section belongs in class 1.

Section 145: While this section is printed in brackets, the only change made consists in the transposition of language and the dropping of redundant matter.

Section 146: This section has been changed so as to provide a punishment for "demanding" as well as "receiving" any money or valuable thing under a threat of informing or as a consideration for not informing.

Section 147: The change in this section consists in the omission of the enumeration of the places within or upon which the crime may be committed, and in substituting therefor the words "cognizable by the courts of the United States."

Section 148: The change made in this section is fully indicated by italics.

Sections 149, 150: These sections belong in class 1.

Section 151: This section is broadened so as to embrace every method which may be employed in counterfeiting the obligations of the United States; and its provisions are extended so as to apply in any place under the jurisdiction of the United States. The other minor changes are fully indicated by italics.

Section 152: The provisions of this section are extended so as to apply in any place subject to the jurisdiction of the United States.

Sections 153 to 156: These sections belong in class 1.

Section 157: The provisions of this section are extended so as to apply in any place subject to the jurisdiction of the United States.

Section 158: The language of this section has been transposed and its provisions extended so as to apply in any place subject to the jurisdiction of the United States.

Section 159: The same changes are made in this section as in section 158.

Section 160: This section is broadened so as to apply in any place subject to the jurisdiction of the United States.

Section 161: Aside from dropping the word "other" before "corporation" in the fifth line of the section, the only change consists in extending its provisions so that it will apply in any place subject to the jurisdiction of the United States.

Section 162: Aside from the transposition of language and the extension of the provisions of the section so that they will apply in any place subject to the jurisdiction of the United States, the other changes are indicated by italics and are for the purpose of punishing the counterfeiting, by any means whatever, of the obligations of any foreign government, bank, or corporation.

Section 163: This section is new, and is intended to punish the "raising" of notes by combining two or more notes.

Sections 164, 165, 166: In each of these sections the change consists in extending its provisions to any place subject to the jurisdiction of the United States. The other italicized words make no change in any of the sections.

Section 167: The minor changes in this section are self-explanatory.

Sections 168, 169: These sections belong in class 1.

Sections 170, 171: In the cases of United States *v.* Keller and others, charged, among other things, with having in their possession dies for counterfeiting the coin of some of the South American Republics, the district court for the southern district of New York held that to constitute an offense under section 2 of the act of February 10, 1891, it was not only necessary to show the possession of the dies by the defendants, but also that they had them in possession "with intent to fraudulently or unlawfully use" them in making counterfeit coin. The court further points out the doubt which arises as to the construction of the section because of the arrangement of the language thereof. While the criticism of the court is directed against section 2 of that act, it also applies, in a less degree, to section 1, which relates to the making of dies, etc., for counterfeiting the coin of the United States.

To remove this doubt the committee has transposed the language of both sections, and has dropped from each section the words "with intent to fraudulently use the same," and by transposing and repeating the words "without lawful authority." The committee believes that a person who has in his possession dies which may be used in counterfeiting any coin should be required to show that his possession is lawful, and that the Government should not be required to prove that he has them in possession "with the intent to fraudulently and unlawfully" use them for counterfeiting.

Section 172: Aside from minor corrections of language, the only change made in this section is by extending its provisions so that they will apply in any place subject to the jurisdiction of the United States.

Section 173: The amendment to this section consists of the provision which punishes the refusal to surrender to agents of the Treasury counterfeit coin, apparatus, etc. Occasionally some persons, and even banks, have refused to surrender such coin or apparatus for making the coin, thus aiding in shielding the real offender and making his conviction more difficult.

Section 174: Under the act revised in this section, search warrants may be executed "in the day time only." These words have been omitted, as such a restriction can serve only to enable, in many instances, the escape of the criminals and prevent their being taken in the act of violating the law.

Section 175: This section belongs in class 1.

Section 176: The present law subjects the offender to a penalty of $100, one-half to the use of the informer. This has been changed to fine and imprisonment.

Section 177: The same change has been made in this section as in the preceding section.

Section 178: What is said with respect to the two preceding sections is also true as to this section. The additional changes are fully indicated by the words italicised.

Section 179: This section belongs in class 1.

Section 180: The change in this section consists in substituting the word "fine" for "penalty."

Section 181: Imprisonment, or both fine and imprisonment, have been added as the penalty attached to a violation of this section.

Section 182: This section is formed by merging two acts, and is modified by providing fine and imprisonment, or both, in place of a penalty, and also by enlarging the proviso as indicated by the words italicised.

Section 183: The change in this section consists in transposing the language, in omitting redundant matter, and in substituting fine and imprisonment, or both, in lieu of a penalty of $150.

Section 184: A fine of not more than $50 is substituted for a penalty of $50.

Section 185: This section has been rewritten for the purpose of omitting redundant matter, and broadened so as to make it apply to a conveyance of any kind. At present the section provides a penalty of $100 for a violation of its provisions by the owner, and of $50 by the driver, etc., of any coach, car, boat, etc. This has been changed to a fine of not more than $50.

Section 186: A fine or imprisonment, or both, is substituted in lieu of the penalty now provided by law for a violation of the provisions of this section.

Section 187: This section belongs in class 1.

Section 188: While the language of this section has been transposed, the only change made in it is that punishing the unlawful wearing of any "badge" prescribed for letter carriers.

Section 189: Section 3979, Revised Statutes, punishes the person who paints upon or attaches to any car or boat the words "United States mail," when the same is not engaged in carrying the mail. But this section does not reach the person who directs or causes it to be done. For this reason the committee has broadened the section so that it will reach those in authority and responsible for the unlawful use of such words.

Section 190: This section belongs in class 1.

Section 191: The change in this section consists in the omission of the words "for any lucre, gain, or convenience," wherever they occur, so that the mere stealing, embezzling, or purloining shall constitute an offense, irrespective of the intent with which the property is taken.

Section 192: This section is so broadened as to afford protection to all classes of receptacles for the receipt or delivery of mail matter, and also by providing a fine as a part of the punishment in addition to imprisonment. The changes are fully indicated by the matter italicized.

Section 193: This section has been reframed so as to express in precise language the true meaning of the section as construed by the courts.

Section 194: This section has been enlarged so as to protect postal clerks employed on vessels, all changes being indicated by italics.

Section 195: This section is derived from three sections of the Revised Statutes. These sections enumerate the various articles or things, the taking of which is made punishable. This enumeration has been omitted and the section changed so as to punish the taking of anything from the mail by one not authorized to do so. The remaining amendments are clearly indicated by the words italicized.

Section 196: What is said in the preceding section respecting the enumeration of articles, the taking of which from the mails is made unlawful, is also true of this section, which is derived from three sections of the Revised Statutes, which punish any person employed in the postal service for unlawfully delaying or interfering with the mail. The remaining amendments appear in italics.

Section 197: The punishment provided in this section is changed so as to apply to all persons, whether in or out of the postal service, and is increased both as to fine and imprisonment, in view of the changes in the character of mail matter.

Section 198: This section is made up of two sections of the Revised Statutes. Under those sections, one committing robbery of the mails, or attempting to do so, and in doing or attempting to do which makes use of a dangerous weapon, is subject to imprisonment for life. This language has been omitted and the maximum imprisonment which may be imposed has been reduced to twenty-five years.

Section 199: Three sections have been merged in this section, which has been broadened in its terms so as to protect all facilities now used in connection with the mail service. The amendments appear in italics and show all such changes.

Section 200: Aside from the omission of redundant matter, the only change in this section consists in providing that both fine and imprisonment may be imposed.

Section 201: The changes made in this section are fully set out in the words italicised, which explain their purpose. Nothing material has been omitted.

Section 202: This section is broadened so as to punish the interference or retarding of the mail and of any facility now used in transporting it; and by providing for imprisonment as a part of the punishment.

Section 203: The punishment for a violation of this section has been changed from a penalty of $50 to a fine of not more than $100.

Section 204: This section has been so changed as to punish a person having charge or control of a vessel for failing to comply with its provisions; and also

Section 241: This section has been amended so as to conform to the changes made in section 212, which prohibits the sending of obscene matter, etc., through the mails. Aside from a transposition of language the changes are properly indicated by italics.

Sections 242 to 247: In each of these sections the change consists in substituting the word "person" for the words "negro, mulatto, or person of color."

Sections 248 to 250: These sections belong in class 1.

Section 251: The same change has been made in this section as in sections 242 to 247.

Section 252: This section belongs in class 1.

Sections 253 to 255: The change made in each of these sections is the same as that made in sections 242 to 247.

Section 256: This section belongs in class 1.

Section 257: The change made in this section is the same as that made in sections 242 to 247.

Section 258: Prize money having been abolished by act of Congress, the change made in this section is that which provides that the proceeds of captured vessels shall be paid into the Treasury of the United States.

Section 259: The change made in this section is the same as that made in sections 242 to 247.

Section 260: This section belongs in class 1.

Section 261: The change made in this section is the same as that made in sections 242 to 247.

Section 262: This section is amended by the addition of the words "or District."

Section 263: The words italicized in this section are substituted for the words "clearing out for any of the coasts or kingdoms of Africa."

Section 264: The word "persons" has been substituted for the words "negroes, mulattoes, and persons of color," and the words "country from which they were taken" for the words "coast of Africa."

Sections 265, 266: These sections belong in class 1.

Section 267: The words "pains and," before the word "penalties," have been omitted as redundant.

Section 268: This section has been broadened so that its provisions will apply in any place subject to the jurisdiction of the United States, and the word "servitude" substituted for "service" for purposes of uniformity.

Section 269: This section is new. Its purpose has already been discussed in this report. A section of this character is necessary in order to avoid repeating in each section of the chapter the waters or places upon or within which the section shall apply.

Section 270: This section enlarges the common-law definition, and is similar in terms to the statutes defining murder in a large majority of the States.

Section 271: What is said with respect to section 270 is true as to this section, manslaughter being defined and classified in language similar to that to be found in the statutes of a large majority of the States.

Section 272: This section prescribes the punishment for the different degrees of murder and different classes of manslaughter.

Section 273: This section is broadened so as to define and punish every grade of assault.

Section 274: The places within which the offense may be committed, as described in section 5339, Revised Statutes, are omitted as being unnecessary, because of he language employed in proposed section 269. The italicized words explain themselves.

Section 275: This section belongs in class 1.

Section 276: This section really belongs in class 1, as the words omitted are unnecessary in view of the language employed in proposed section 269.

Section 277: The only change made in this section is that authorizing the imposition of both fine and imprisonment.

Section 278: This section is a combination of sections 5350 and 5351, Revised Statutes, the slight changes in phraseology being necessary for purposes of revision and make no change in the law.

Section 279: Aside from the omission of redundant language the only change made in this section is that which authorizes the imposition of a fine in lieu of imprisonment in those cases in which an executive officer of a boat owned by a corporation is found guilty of a violation of the section.

Section 280: This section is amended to conform to modern legislation upon the subject. As amended, it provides for fine or imprisonment, or both. At present the punishment is fine and imprisonment.

Section 281: Section 5372, Revised Statutes, punishes robbery committed on the high seas or on any other waters out of the jurisdiction of any State. It is here broadened so as to punish the crime when committed within the jurisdiction defined in section 269.

Section 282: This section is amended so as to punish the destruction or attempted destruction of the buildings enumerated therein by means of a dangerous explosive, and also by reducing the maximum imprisonment from life to not exceeding twenty years.

Section 283: What is said respecting the suggested changes in section 282 is also true as to the changes suggested in this section. All amendments are indicated by the words italicized.

Section 284: This section follows the law in a large majority of the States by dividing larceny into two classes and grading the punishment accordingly. The amendments are clearly indicated by the language italicized.

Section 285: This section is amended so as to punish the receiving of money which has been embezzled, and also by authorizing the trial of a receiver of any such money before the trial of the principal offender.

Section 286: Section 5391, Revised Statutes, provides that if any "offense" be committed, etc., which "offense" is not prohibited or punished by any law of Congress, such "offense" shall receive the same punishment as is attached thereto by the law of the State within which the place upon which it is committed is situated.

An act which is not forbidden by law and to the commission of which no penalty is attached in no legal sense can be denominated an "offense." The section has therefore been rewritten so as to correctly express what Congress intended when it enacted the section referred to.

Sections 287 to 290: Each of these sections belongs in class 1, the addition of the words "of the United States" after "vessel" in some of them, making no change in the sections.

Section 291: This section belongs in class 1, as the act of January 15, 1897, does nothing more than reduce the penalty from death to imprisonment for life.

Section 292: Section 307 of this act defines what shall constitute a "vessel of the United States." In view of this section of definition the words "belonging, in whole or in part, to any citizen" have been omitted as unnecessary. Both fine and imprisonment may be imposed, as the section has been amended.

Section 293: This section belongs in class 1.

Section 294: The imprisonment which may be imposed for a violation of the provisions of the latter portion of the section has been increased from ten years to imprisonment for life.

Section 295: The enumeration of the waters upon which the commission of the offense defined in this section may be punished is omitted as unnecessary, and the section is broadened so as to punish the offense whether committed within or without the jurisdiction of any State.

Section 296: This section is narrowed in its operation so as to punish the offenses defined therein only when committed "out of the jurisdiction of any particular State."

Section 297: This section is broadened so as to punish the acts denounced therein when committed not only upon the high seas, but also "on any other waters within the admiralty and maritime jurisdiction of the United States."

Section 298: The same change has been made in this section as in section 297, and the two sections of the Revised Statutes have been combined.

Section 299: This section really belongs in class 1, as the act of January 15, 1897, only reduces the punishment from death to imprisonment for life.

Section 300: This section belongs in class 1.

Sections 301, 302: What is said respecting section 299 is equally true as to each of these sections.

Sections 303, 304: These sections belong in class 1.

Section 305. Two sections have been combined in this section. No change has been made in the law.

Section 306: The words italicized in this section are necessary for purposes of revision, but make no change in the law.

Section 307: This section is new, and is a section of definition. The necessity for it will be apparent without explanation.

Section 308: This section is also new, its purpose being to avoid repeating in each section of this chapter the places within which the several sections of the chapter shall apply.

Section 309: Although bracketed, the only change made in this section is by the addition of the words "or both" at the end of the section, the omission of the places within which the section shall apply having no effect in view of the provisions of proposed section 308.

Sections 310, 311: What is said respecting section 309, as to the omission of the places within which the section shall apply, is equally true as to their omission from each of these sections.

Section 312: The change in the language of this section is necessary for purposes of revision.

Sections 313 to 315: Each of these sections belongs in class 1.

Section 316: While this section is bracketed, the last sentence of the section is the equivalent of the matter dropped from the first part of it, and therefore no change is made in the section.

Section 317: What is said respecting section 316 is equally true as to this section.

Section 318: The only change made in this section is that necessary for purposes of revision.

Section 319: What is said respecting section 316 applies equally to this section.

Sections 320 to 324: Each of these sections belongs in class 1.

Section 325: The only amendment made in this section is clearly indicated by italics.

Section 326: This section is formed by combining four sections. It is existing law.

Sections 327 and 328: The amendments made in each of these sections are clearly indicated by the language italicised.

Sections 329 and 330: These sections are new only in the sense that they are made general in their application. They explain themselves.

Section 331: The words "without lawful authority" in the first line of the section are added, and the maximum imprisonment increased from three to ten years, and the fine omitted.

Section 332: This section is new. Its function has already been discussed in this report.

Section 333: The law revised in this section is broadened to apply to all cases of murder or manslaughter which may be punished under the laws of the United States. The necessity for such a section has already been considered in this report.

Section 334: This section is a section of definition and is new. It explains its own purpose.

Section 335: This section is also new and is inserted so as to avoid a possible construction that the omission of the words "hard labor" from the various sections of this act indicated an intention on the part of Congress that "hard labor" should no longer form a part of the punishment which might be imposed.

Section 336: This section is also new and may be termed one of definition or construction.

Section 337: This section is also new and is a declaration that the several circuit and district courts shall continue to exercise the jurisdiction with respect to the crimes defined herein that they now possess.

Sections 338 to 341: These sections are repealing sections and explain themselves.

Table showing where the sections embraced in the title "Crimes," of the Revised Statutes, appear in this bill; and also the disposition made of sections of that title which do not appear herein.

Section of Revised Statutes.	Section of the bill.
5323	329
5324	331
5325	320
5326	321
5327	322
5328	323
5329 (omitted as obsolete).	
5330	324
5331	1
5332	2
5333	3
5334	4
5335	5
5336	6
5337	7
5338	8
5339	269, 270, 272, 333
5340	328
5341	271, 333
5342	274
5343	272
5344	279
5345	275
5346	269, 273
5347	288
5348	280
5349	277
5350	278
5351	278
5352	310
5353	233
5354	235
5355	234
5356	284
5357	285
5358	294
5359	289
5360	290
5361	295
5362	296
5363	269, 292
5364	293
5365	297
5366	298
5367	298
5368	287
5369	291
5370 (embraced in secs. 281, 295, 296 of the bill).	
5371	299
5372	270, 281
5373	301
5374	302
5375	242
5376	243
5377	244
5378	245
5379	246
5380	247
5381	248
5382	249
5383	303
5384	304
5385	282
5386	283
5387	283
5388	52
5389	309
5390	147
5391	286
5392	125
5393	126
5394	127
5395	82
5396 (in title, Judiciary).	
5397 (in title, Judiciary).	
5398	141
5399	135
5400	143
5401	144
5402	145
5403	128
5404	135
5405	137
5406	136
5407 (is omitted as being similar to section 5519, held unconstitutional in U. S. *v.* Harris, 106 U. S., 629).	
5408	129
5409	139
5410	140
5411 (omitted as obsolete).	
5412 (omitted as obsolete).	
5413	148
5414	149
5415	150
5416	29

Table showing where the sections embraced in the title "Crimes," of the Revised Statutes, appear in this bill; and also the disposition made of sections of that title which do not appear herein.

Section of Revised Statutes.	Section of the bill.
5417	65
5418	30
5419	130
5420	75
5421	31
5422	32
5423	74
5424	78
5425	79
5426	80
5427	329
5428	81
5429	83
5430	151
5431	152
5432	153
5433	154
5434	155
5435	35
5436	36
5437	175
5438	37
5439	38
5440	39
5441	40
5442	72
5443	66
5444	70
5445	71
5446	73
5447	67
5448	68
5449	131
5450	113
5451	41
5452	69
5453	156
5454	42
5455	44
5456	48
5457	164
5458	165
5459	166
5460	167
5461	168
5462	169
5463	219
5464	220
5465	221
5466	199
5467	196
5468 (omitted as unnecessary).	
5469	195
5470	195
5471	197
5472	198
5473	198
5474	200
5475	191
5476	190
5477	192
5478	193
5479	30
5480	216
5481	87
5482	109
5483	88
5484	146
5485 (in title, Pensions).	
5486 (in title, Pensions).	
5487	110
5488	89
5489	90
5490	91
5491	92
5492	93
5493	94
5494	95
5495	96
3496	97
5497	98, 99
5498	111
5499	132
5500	112
5501	119
5502	119, 112
5503	100
5504	101
5505	102
5506 (repealed February 8, 1894, 2 Supp., 171).	
5507 (unconstitutional, James *v.* Bowman, 190 U. S., 127).	
5508	19
5509	20
5510	21
5511, 5512, 5513, 5514, 5515 (repealed February 8, 1894).	
5516	142
5517 (in title, Civil Rights).	
5518	22
5519 (unconstitutional, U. S. *v.* Harris, 106 U. S., 629).	
5520, 5521, 5522, 5523 repealed February 8, 1894.	
5524	250
5525	265
5526	266
5527	267
5528	24
5529	25
5530	26
5531	27
5532	28
5533	330, 331
5534	330
5535	330

Table of sections of the Revised Statutes, not embraced in the title "Crimes," carried into this bill.

Section of Revised Statutes.	Section of the bill.
412	227
1553	44
1668	45
1780	103
1781	112, 114
1782	115
1783	43
1785	104
1788	105
1789	105
2373	61
2412	60
3583	179
3708	178
3739	116
3740	118
3742	117
3829	180
3832	231
3851	215
3867	188
3869	199
3878	218
3887	222
3890	196
3891	196
3892	195
3893	212
3894	214
3899	208
3920	209
3922	206
3923	206
3924	206
3925	206
3947	223
3954 (omitted as obsolete).	
3977	201
3979	189
3981	181
3982	182
3983	183
3984	184
3985	185
3986	186
3988	205
3992	187
3995	202
3996	203
4013	230
4016	204
4030	211
4046	226
4053	226
5188	176
5189	177
5281	9
5282	10
5283	11
5284	300
5285	12
5286	13
5287	14
5288	15
5289	16
5290	17
5291	18
5551	251
5552	252
5553	253
5554	254
5555	255
5556	256
5557	257
5558	258
5559	259
5560	260
5561	261
5562 (omitted as obsolete).	
5563	262
5564	263
5565 (omitted as obselete).	
5566 (omitted as obsolete).	
5567	264
5568 (omitted as obsolete).	
5569 (omitted as obsolete).	
5570	269

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 6.

ST. FRANCIS COUNTY, ARK., TO BRIDGE ST. FRANCIS RIVER AT OR NEAR MADISON.

JANUARY 7, 1908.—Ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 194.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 194) to authorize the county of St. Francis, in the State of Arkansas, to construct a bridge across St. Francis River, at or near the town of Madison, in said county and State, having considered the same report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached, and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 28, 1907.

1. Respectfully returned to the Secretary of War.
2. The accompanying bill, H. R. 194, Sixtieth Congress, first session, to authorize the construction of a bridge across St. Francis River, at or near Madison, Ark., makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
December 30, 1907.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 7.

RELIEF OF COLUMBIA NATIONAL BANK, COLUMBIA, PA.

JANUARY 7, 1908.—Ordered to be printed.

Mr. HASKINS, from the Committee on War Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 5354.]

The Committee on War Claims, to whom was referred the bill (H. R. 5354) for the relief of the Columbia National Bank, of Columbia, Pa., submit the following report:

A bill for the payment of this claim was referred to the Court of Claims on the 5th day of March, 1902, by resolution of the United States Senate, under an act of Congress approved March 3, 1887, and generally known as the Tucker Act. On December 13, 1905, the case was transmitted to the Senate with the following findings, to wit:

FINDINGS OF FACT.

I. It appears from the evidence that the claimant was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. The property in the above-entitled case was located in loyal territory, being a bridge extending from the town of Columbia, in the county of Lancaster, in the State of Pennsylvania, across the Susquehanna River to the town of Wrightsville, county of York, in said State.

The claimant company is a corporation organized under the laws of the State of Pennsylvania and the laws of the United States, and was authorized to do a banking business and to change its corporate title.

The Columbia Bank, under act of June 3, 1864 (13 Stat. L., p. 100), changed its corporate title to the Columbia National Bank, and by assuming the liabilities and taking the assets of the former bank it became the legal owner of the claim herein made.

III. The bridge was occupied for military purposes on the 15th day of June, 1863, by order of Major-General Couch, of the United States Army, commanding the military department of the Susquehanna, and under his orders was thereafter used for the benefit of the public service in transporting military stores, supplies, and troops thereover to and from the several military posts under his command on opposite sides of the river, and for such other purposes as the needs of the service required until the 28th day of June, 1863, when on the evening of that day the bridge was, by his orders, fired, and the superstructure was destroyed under circumstances of immediate public exigency then arising necessitating its destruction, the public danger being so imminent and impending, and the public service so extreme and imperative as not to admit of delay.

IV. The Columbia Bridge was, in June, 1863, at the time of its use and destruction, owned by the Columbia Bank, of Columbia, incorporated under the laws of Pennsyl-

vania, which afterwards became the Columbia National Bank, including the right to ownership of what remained of the said Columbia Bridge, and the right to the compensation demandable from the United States for its destruction.

V. The bridge was built between the years 1832 and 1834 at a cost of $157,300, and after its destruction the piers and abutments were sold to the Pennsylvania Railroad Company for $57,000. The bridge was in good condition at the time it was destroyed, and, making due allowance for it then being over thirty years old, the court finds that the value of the bridge when destroyed was fifty thousand one hundred and fifty dollars ($50,150), no part of which appears to have been paid.

VI. August 13, 1863, the claim was presented to Major-General Couch by the president of the Columbia Bank for such redress as would be just to said bank, and on May 13, 1864, was presented to Congress, when a favorable report was made by the House Claims Committee recommending an appropriation of $100,000 to pay said claim. During the Fifty-first and Fifty-second Congresses the claim was again presented and favorable reports made by the House Committee on War Claims, and bills for relief have been presented to each succeeding Congress up to and including the Fifty-seventh, by which the bill was referred by the Senate to this court under the act of March 3, 1887, aforesaid.

BY THE COURT.

Filed December 4, 1905.
A true copy.
Test this 9th day of December, 1905.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

This finding can neither be taken as a judgment nor as an award. Neither is it a recommendation for the payment of anything. It is merely a recital of the proven facts. These facts in their relation to the law only constitute material to enable Congress to create a liability by way of gift at discretion. Consequently, no vested right can be considered as acquired by the recital of the facts.

The conclusion of the committee is that there is no rule of law, under the Constitution or otherwise, which requires the Government to pay this claim; that Congress is the sole judge as to what obligations rest upon it in this class of cases, inasmuch as they have not yet seen fit by any general legislation to provide for their allowance or adjudication, but have adopted and followed an adverse rule of law and policy.

The whole subject is discussed in United States *v.* Pacific Railroad, Pacific Railroad *v.* The United States (120 U. S. Reports, p. 227):

The United States are not responsible for the injury or destruction of private property caused by their operations during the late civil war, nor are private parties chargeable for works constructed on their property by the United States to facilitate such operations.

Accordingly, where bridges on the line of a railroad were destroyed during the civil war by either of the contending forces, their subsequent rebuilding by the United States as a measure of military necessity, without the request of or any contract with the owner of the railroad, imposes no liability upon such owner.

Among other things they held that—

The destruction or injury of private property in battle or in the bombardment of cities and towns, and in many other ways in the war, had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads or the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the state in such cases overrides all considerations of private loss. Salus populi is then, in truth, suprema lex.

Your committee report adversely upon the bill, and recommend that it be ordered to lie upon the table.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 11.

EXTENSION OF TIME FOR ST. LOUIS, MO., TO BRIDGE MISSISSIPPI RIVER.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 251.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 251) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 28, 1907.

Respectfully returned to the Secretary of War.

The object of the accompanying bill, H. R. 251, Sixtieth Congress, first session, is to extend the time for commencing and completing the bridge authorized to be built across the Mississippi River at St. Louis, Mo., by an act of Congress approved June 25, 1906.

The original act authorizing the construction of the bridge makes ample provision for the protection of navigation interests, and I see no objection, so far as those interests are concerned, to the passage by Congress of the bill under consideration.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *December 30, 1907.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 12.

COUNTY COMMISSIONERS OF GENEVA COUNTY, ALA., TO BRIDGE CHOCTAWHATCHEE RIVER NEAR GENEVA.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 3932.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3932) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, about 6 miles above the town of Geneva, Ala., having considered the same, report thereon with an amendment and as amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached, and which are made a part of this report.

Amend the bill as follows:

In line 6, on page 1, after the word "River," insert "at a point to be approved by the Chief of Engineers and the Secretary of War."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1908.

Respectfully returned to the Secretary of War, with recommendation that the accompanying bill, H. R. 3932, Sixtieth Congress, first session, to authorize the construction of a bridge across Choctawhatchee River, near the town of Geneva, Ala., be amended as indicated in red thereon.

As thus amended, I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 4, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, and to copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 13.

BURLINGTON, IOWA, TO BRIDGE MISSISSIPPI RIVER.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 4891.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4891) to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River, having considered the same report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 30, 1907.

1. Respectfully returned to the Secretary of War.
2. The accompanying bill, H. R. 4891, Sixtieth Congress, first session, to authorize the construction of a bridge across the Mississippi River at Burlington, Iowa, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.
3. It is assumed that the bill is to take the place of an act of Congress approved March 2, 1901, authorizing the construction of a bridge at Burlington, Iowa, which act has expired by limitation.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
December 31, 1907.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 14.

BENTON WATER COMPANY TO DAM SNAKE RIVER, WASHINGTON.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. KENNEDY, of Ohio, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 7618.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7618) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached, and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 3, 1908.

1. Respectfully returned to the Secretary of War.
2. The accompanying bill, H. R. 7618, Sixtieth Congress, first session, to authorize the construction of a dam across Snake River at or near Fivemile Rapids, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen. Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
January 4, 1908.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 15.

COUNTY COMMISSIONERS OF GENEVA COUNTY, ALA., TO BRIDGE CHOCTAWHATCHEE RIVER AT OR NEAR JONES OLD FERRY.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9210.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9210), to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., having considered the same, report thereon and recommend that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1908.

1. Respectfully returned to the Secretary of War.
2. The accompanying bill (H. R. 9210, Sixtieth Congress, first session), to authorize the construction of a bridge across Choctawhatchee River at or near Jones Old Ferry, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.
3. It is understood that the structure which the bill is intended to legalize has already been commenced in anticipation of Congressional authorization.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 4, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 16.

NASHVILLE AND NORTHEASTERN RAILROAD TO BRIDGE CUMBERLAND RIVER AT OR NEAR CELINA, TENN.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 10519.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10519) to authorize the Nashville and Northeastern Railroad Company to construct a bridge across Cumberland River at Celina, Tenn., having considered the same, report thereon with amendment and as amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

Amend as follows:

On page 1, at the end of line 7, insert "or near."

Amend the title by inserting in line 2, after the word "at" "or near."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1908.

1. Respectfully returned to the Secretary of War with recommendation that the accompanying bill (H. R. 10519, 60th Cong., 1st sess.), to authorize the construction of a bridge across Cumberland River at Celina, Tenn., be amended as indicated in red thereon.

3. As thus amended, I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
January 3, 1908.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, and to accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 17.

CHICAGO, INDIANA AND SOUTHERN RAILROAD TO BRIDGE GRAND CALUMET RIVER IN GARY, IND.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 11330.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11330) to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 30, 1907.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 11330, Sixtieth Congress, first session, to authorize the construction of a bridge across Grand Calumet River at Gary, Ind., makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

It is understood that the structure which the bill is intended to authorize is to replace an existing bridge across the river at another location, and that the work of construction has been commenced in anticipation of Congressional authorization.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *December 31, 1907.*

Respectfully returned to the chairman, Committeee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 18.

BALTIMORE AND OHIO AND CHICAGO RAILROAD TO BRIDGE GRAND CALUMET RIVER AT OR NEAR GARY, IND.

JANUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 11331.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11331) to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River, in the town of Gary, Ind., having considered the same, report thereon with amendment and as amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

Amend the bill as follows:

In lines 6 and 7 strike out the words "a point in" and insert in lieu thereof the words "or near."

Amend the title of the bill as follows: In the third line strike out the word "in" and insert in lieu thereof the words "at or near."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1908.

Respectfully returned to the Secretary of War, with recommendation that the accompanying bill, H. R. 11331, Sixtieth Congress, first session, to authorize the construction of a bridge across the Grand Calumet River, be amended as indicated in red thereon.

As thus amended, I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 3, 1908.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, and to accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 20.

EFFICIENCY OF MEDICAL DEPARTMENT, ARMY.

JANUARY 7, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. YOUNG, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 186.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 186) to increase the efficiency of the Medical Department of the United States Army, submit the following report and recommend that the bill do pass with the following amendments:

Strike out the word "sixteen" in line 10, page 1, and insert in lieu thereof the word "fourteen."

Strike out the word "twenty-four" in lines 10 and 11, page 1, and insert in lieu thereof the word "twenty."

Strike out the words "and ten" in line 11, page 1.

After the word "Corps," in line 18, page 3, insert the words "below the rank of lieutenant-colonel."

In line 14, page 4, strike out the words "or lieutenant-colonel."

At the end of line 25, page 5, strike out the period and insert a colon. Also insert the following:

Provided further, That any contract surgeon not over twenty-nine years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

At the end of line 25, page 6, strike out the period and insert a colon. Also the following proviso:

And provided further, That any officer of the Medical Reserve Corps who is subject to call, and who shall be ordered upon active duty as herein provided, and who shall be unwilling and refuse to accept such service, shall forfeit his commission.

A similar bill was reported in the Fifty-ninth Congress, and the report made thereon is hereto attached and made a part of this report.

House Report No. 2890, Fifty-ninth Congress, first session.

EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE ARMY.

APRIL 4, 1906.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. YOUNG, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1539.]

The Committee on Military Affairs, to whom was referred the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army, report the same back to the House with the recommendation that the bill be amended as follows:

On page 1, line 10, strike out the word "sixteen" and insert in lieu thereof the word "fourteen."

In lines 10 and 11 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

In line 11 strike out the words "and ten."

On page 3, after the word "Corps," in line 16, insert the words "below the rank of lieutenant-colonel."

On page 4, line 12, strike out the words "or lieutenant-colonel."

On page 6, after the word "Corps," in line 22, insert the words—

And provided further, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

As so amended your committee recommend the passage of the bill.

The purpose of this bill is to increase the efficiency of the Medical Corps in the Army. It increases the officers in the corps as follows: Colonels, from 9 to 14; lieutenant-colonels, from 12 to 20; majors, from 60 to 100; captains and lieutenants, from 240 to 300, a total increase of 113; but this increase is apparent rather than real, for we now have in the Army about 170 contract surgeons, and it is proposed to replace the greater number of them by regularly commissioned officers so as not to increase but probably decrease to some extent the

entire number of surgeons in the Army, both regularly commissioned and contract. The bill substitutes for the remaining contract surgeons a medical reserve corps, whose members will be regularly commissioned but will receive no pay or allowances, except when in actual service, and in no case will receive retired pay. The contract surgeon occupies an anomalous position at present. He is in the Army and not of it. Under recent decisions he can not command even members of the medical force who are supposed to be his subordinates. This fact decreases his efficiency and renders his position undesirable and tends to prevent the better class of medical men from entering this branch of the service.

It is attempted to remedy this condition by substituting for the contract surgeons the reserve corps, whose members while in active service will be officers of the Army with rank just below that of the regular officers of the corps in the corresponding grade. The bill also increases somewhat the proportion of the higher to that of the lower grades of the corps, though not to an extent recommended by the army officials. It is believed this is necessary in order to induce medical men of high attainments to enter and to remain in the Army.

At the time of the reorganization of the Army in 1901 an unintentional injustice was done the Medical Corps in reducing the number of officers in the higher grades, thus decreasing opportunities for promotion and rendering the service less desirable to bright and efficient medical men. This bill seeks to correct the injustice in part though not in full.

Action along the line of this bill has been recommended by the President of the United States in a special message to Congress; by Secretaries Root and Taft; by the Chief of Staff; by the General Staff, and by the Surgeon-General of the Army, and a similar bill passed the Senate on January 5, 1905, and this bill passed said body March 29, 1906.

The committee append hereto certain tables of statistics and some of the most interesting and valuable documents bearing on this question.

WAR DEPARTMENT,
Washington, December 7, 1905.

SIR: I have the honor to transmit herewith draft of a bill to increase the efficiency of the Medical Department of the Army.

This draft is identical in all material respects with the bill which passed the Senate at the last session and was favorably reported by the Military Committee of the House of Representatives, too late, however, to receive final consideration during the closing hours of the session.

The proposed measure was the subject of a special message from the President dated January 9, 1905, urging its passage and transmitting a memorandum prepared by the Surgeon-General of the Army and also the remarks of my predecessor, Secretary Root, and of myself, with reference to the bill. A copy of the extract from the special message of the President is inclosed herewith, and especial attention is invited to the full message, which is printed as Senate Document No. 87, Fifty-eighth Congress, third session, and contains a full statement of the reasons for this legislation and an explanation of the provisions of the bill.

The proposed legislation involves no radical departure from existing methods nor appreciable increase in cost, while its enactment into law will be highly beneficial to the efficiency of the Medical Corps of the Army. I therefore most earnestly commend it to the favorable consideration of Congress.

Very respectfully,

WM. H. TAFT,
Secretary of War.

The following is Senate Document No. 87, Fifty-eighth Congress, third session, referred to by the Secretary of War in the above letter:

To the Senate and House of Representatives:

I have, in a former message, stated to the Congress my belief that our Army need not be large, but that it should, in every part, be brought to the highest point of efficiency. The Secretary of War has called to my attention the fact that the act approved February 2, 1901, which accomplished so much to promote this result, failed to meet the needs of one staff department in which all of our people are peculiary interested, and of which they have a right to demand a high degree of excellence. I refer to the Medical Department. Not only does a competent medical service, by safeguarding the health of the Army, contribute greatly to its power, but it gives to the families of the nation a guaranty that their fathers, brothers, and sons who are wounded in battle or sicken in the camp shall have not only skilled medical aid, but also that prompt and well-ordered attention to all their wants which can come only by an adequate and trained personnel.

I am satisfied that the Medical Corps is much too small for the needs of the present Army and therefore very much too small for its successful expansion in time of war to meet the needs of an enlarged Army and in addition to furnish the volunteer service a certain number of officers trained in medical administration. A bill which, in the opinion of the Secretary of War, of the late Secretary of War, and of the General Staff of the Army, supplies these deficiencies was introduced at the last session of Congress and is now before you. I am also advised that it meets the cordial approval of the medical profession of the country. It provides an organization which, when compared with that of other nations, does not seem to err on the side of excessive liberality, but which is believed to be sufficient. I earnestly recommend its passage by the present Congress. If the Medical Department is left as it is no amount of wisdom or efficiency in its administration would prevent a complete breakdown in the event of a serious war.

I transmit herewith a memorandum which has been prepared for me by the Surgeon-General of the Army, and also the remarks of the former and of the present Secretary of War with reference to this bill.

It is reported to me that the Ordnance Corps is in a position of disadvantage; that its personnel is inadequate to the performance of the duties with which it is charged, and that under existing conditions it is unable to recruit its numbers with officers of the class necessary for the conduct of its very technical work. It is unnecessary for me to lay stress upon the desirability of having the design and manufacture of the material with which we are to fight in competent and sufficient hands, as there is no difference of opinion as to the intention of all concerned to have provided a proper supply of weapons, munitions, engines of war, equal in conception and construction to any in the world and superior in any respects in which by skill and attention we may be able to compass such superiority.

The greatly increased utilization of the exact sciences in ordnance construction requires a larger personnel for their application, and the process of its selection should be severely and continuously discriminating, under conditions offering stimulus sufficient to cause officers of proper capacity, of whom it appears there are plenty to wish to subject themselves to it. A bill embodying the necessary provisions and involving no radical departure from existing methods has been prepared by the War Department. I think it should be passed.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 9, 1905.*

MEMORANDUM WITH REFERENCE TO THE BILL TO INCREASE THE EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE UNITED STATES ARMY.

[S. 1539, 59th Cong., 1st sess.]

When the Army was reorganized by the act of February 2, 1901, the recommendations of the Surgeon-General were ignored and the Medical Department suffered severely, its proportionate increase being far less than that of the Army as a whole, and the increase given being principally in the lowest grades, so that the prospects of promotion of these officers, members of a learned profession, were reduced below those of every other staff corps in the Army. In consequence, the Medical Department ceased to attract new men as soon as this became generally known. The increase authorized by that act has not yet been filled up, and the medical service of the Army has, to a considerable extent, to be performed by civil physicians, employed

under contract. The disadvantages of such a condition of affairs are in time of peace great, and in time of war they will be such as to insure predestined failure to the medical administration. Under these circumstances, after long and careful study of the question, the Surgeon-General prepared a statement of the needs of the Medical Department, with a draft of a bill to correct the deficiencies complained of. This was forwarded to the Chief of Staff for the consideration of the Secretary of War, with the following letter:

WAR DEPARTMENT,
OFFICE OF THE SURGEON-GENERAL,
Washington, December 24, 1903.

SIR: In my opinion certain grave defects exist in the present organization of the Medical Department, which interfere with its efficiency in time of peace and its successful expansion in time of war. Inclosed is a discussion of these conditions, and an argument in favor of the changes deemed necessary to correct them. It is requested that this matter be given careful consideration, and the proposed changes either approved of or, if not found practicable, modified in such manner as to make them so, when a bill embodying them can be prepared. It is certain that the defects exist and should be remedied, but as to the details of the remedy this office is not tenacious.

I am, however, earnestly desirous that the views of this Department be given a full hearing, and that it be called to the personal attention of the present Secretary under whom the reorganization of February 2, 1902, was effected, involving as it does, a modification of that act. This request is made in order that a new Secretary may not be deterred by the prestige of his predecessor's name from giving to the Medical Corps the substantial relief which, it is believed, the present Secretary will not withhold if the matter is fairly presented to him. A personal consideration of this matter has, besides, been promised by the Secretary to the undersigned.

Very respectfully,

R. M. O'REILLY,
Surgeon-General, U. S. Army.

The CHIEF OF STAFF, U. S. ARMY.

The inclosure referred to is, on account of its length, omitted, but the bill as amended and approved by the War Department, contained the following provisions:

1. It increased the number of medical officers from 320 to 450, exclusive of the Surgeon-General.
2. It reduces the length of service required in the grade of first lieutenant before promotion to captain from five to three years, in order to correspond with the requirements of the naval service.
3. It increased the numbers in the higher grades so as to approximately conform to the promotions existing for many years prior to the reorganization of 1901, and to nearly equalize them with those existing in the Medical Corps of the Navy.
4. It provides examinations to determine fitness for promotion up to include the grade of colonel.
5. It provides a medical reserve corps, which shall constitute an eligible list of medical officers, who shall have been examined, and commissioned if found fit, for service as medical officers with the rank of first lieutenant in case of war or other emergency. These reserve medical officers are intended to replace the contract surgeons, upon which the Medical Department depends for expansion when its numbers are found to be inadequate for the needs of the service.

This bill was sent to Congress with the following indorsements of Secretary Root and his successor, Secretary Taft.

WAR DEPARTMENT,
Washington, January 30, 1904.

I heartily approve this bill in principle. I consider that it will be greatly to the benefit of the service to abandon the employment of contract surgeons and substitute in their place regular commissioned officers. I do not think the number to which it is proposed to increase the Medical Corps is at all excessive. It seems to me that the presentation of the case by the Surgeon-General in regard to the necessities of skilled administration of the medical service in time of war is conclusive. It will be easy in time of war to secure an adequate number of physicians competent to treat the sick and wounded, but it will be impossible to secure medical men competent to conduct the administration of the great and complicated medical service unless they are specially trained in time of peace. The lack of a sufficient number of such trained officers in the past has caused untold suffering and the sacrifice of many thousands

of valuable lives. It is our present duty to see to it that such a condition shall never exist again. I believe that that can be accomplished only by following the course which has now been indicated by the Surgeon-General and approved by the General Staff.

Upon the single question of the relative proportion of majors, lieutenant-colonels, and colonels which should properly be accorded to the Medical Corps, the Surgeon-General wishes to ask reconsideration by the General Staff. That single question, with the assent of the Chief of Staff, will accordingly be relegated to the General Staff for further consideration. Upon all other questions I approve the bill in detail.

ELIHU ROOT,
Secretary of War.

WAR DEPARTMENT,
Washington, February 18, 1904.

SIR: I have the honor to transmit herewith a bill to increase the efficiency of the Medical Department of the United States Army, together with the approval by my predecessor, Secretary Root, of the bill in every part except as to the relative proportions of majors, lieutenant-colonels, and colonels which should properly be accorded to the Medical Corps.

The question was remitted to the General Staff for further consideration and has been returned with the recommendation that the number of colonels be limited to 12, the lieutenant-colonels to 18, with 110 majors and 300 captains and first-lieutenants; whereas the recommendation of the Surgeon-General is that the colonels number 20, the lieutenant-colonels 20, majors 110, and captains and lieutenants 300.

It appears that the division of the General Staff to which the bill was referred approved the proportion of colonels and lieutenant-colonels as recommended by the Surgeon-General, but that the War Department General Staff as a body, when the exact point was submitted to them, made the recommendation as above. General Chaffee was not present, I am informed, at the meeting of the General Staff, and possibly did not have the advantage of all the statements which were made with reference to the proper number of medical officers for each tactical unit in the field. Certainly the evidence introduced by the Surgeon-General shows that the number necessary for each tactical unit is considerably greater than that which must have been assumed by General Chaffee in the conclusion which he reached. Of course, I must differ from the opinion of the General Staff and the distinguished chief of that body with great diffidence, in view of the short time that I have been in the Department. I have, however, read the arguments carefully of the Surgeon-General and the statement of the third division of the General Staff and also of the Chief of Staff, and I am bound to say that it seems to me that the arguments of the Surgeon-General substantially outweigh those advanced by the Chief of Staff. The Surgeon-General's report shows a complete workable system, which the amendment by the General Staff truncates and destroys the symmetry of. Then, too, the prospect of promotion which the increased number in the higher grades offers to those who enter the service seems to be absolutely essential to procuring good material for the Medical Corps. The increased expense in securing a proper medical education in modern days, as shown by lengthening of the term of preparation from two to four years, and the great professional rewards in civil life make it highly important that there be offered a due prospect of promotion to young men of ability to induce them to enter the corps.

In deference to the opinion of the General Staff, however, I have concluded to recommend a reduction in the number of colonels and an increase in the number of lieutenant-colonels, so that the bill should provide for 16 colonels and 24 lieutenant-colonels, and this I do after a conference with the Surgeon-General, who is willing to accept the amendment.

I do not approve that amendment to the law which limits the examination of a lieutenant-colonel, necessary to his promotion to a colonelcy, to an examination of his physical condition, his moral character, and his past record in the service, and it seems to me that the examinations ought to be continued to the highest rank, except that of the Surgeon-General, which grade is filled, of course, only by selection. Such a requirement will have the effect of preventing the upper grades from being regarded as places of leisure and as not entailing the hard, enthusiastic work which is found in the lower ranks.

I have the honor to recommend the passage of the bill amended as suggested. I believe it to be of the utmost importance in securing a proper and efficient Medical Corps.

I accompany this letter with the bill and with the communications received by me from the Surgeon General, the third division of the General Staff, and the Chief of Staff.

Very respectfully,

WM. H. TAFT,
Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

[NOTE.—The bill as finally sent to Congress was altered so as to be in accord with the views of the Secretary of War as expressed above.]

The bill was passed by the Senate without amendment March 29, 1906.

[Memorandum for the President—The bill to increase the efficiency of the Army.]

WAR DEPARTMENT,
OFFICE OF THE SURGEON-GENERAL,
Washington, December 7, 1904.

The fact that mortality from disease in armies in war time greatly exceeds that from losses in battle is well known. The noneffective rate from sickness is even more greatly in excess of that from wounds. The British army in the Peninsula, in spite of the many bloody battles, lost three times as many men from disease as from wounds. The infant French Republic was saved at Valmy more by the paralysis of Prussian efficiency by ravage of disease than by that rather bloodless victory. General Scott in the Mexican war lost by disease one-third of his effective strength. The loss from disease in the civil war was more than double that from the casualties of battle. The military efficiency of newly raised armies is specially liable to be gravely compromised or even destroyed from this cause.

The three primary duties of the Medical Department are:

1 To preserve the effective strength of armies (military sanitation).
2. To care for the sick and wounded.
3. To conduct the administrative work of the department.

To carry out these objects requires a highly specialized and complex organization and a numerous trained personnel. Military sanitation is now recognized to be a well-marked specialty in medicine, of which the average practitioner knows little more than he does of the methods of military medical administration. The second duty is that for which civilian physicians can be used to advantage, while the first and third must in the main be in the hands of trained medical officers in order to secure efficiency. The standard of what is regarded as a satisfactory degree of efficiency in all of these directions has been greatly raised in late years.

In the Spanish war the country was scandalized by a monthly death rate from disease which rose from 2.15 per thousand in July to 4.08 in August, but fell again to 2.45 in September. During the civil war a higher death rate from disease than the highest maximum above mentioned persisted for many months, reaching in the spring of 1862 a maximum more than double it, without creating half as much popular clamor.

Nor would such occurrences be possible now in civilized warfare as for 600 wounded to lie for more than ten days on the battlefield, as happened after the second battle of Bull Run, on August 30, 1862, when many of the wounded died of starvation. That this was not one of the unavoidable horrors of war, but was, as stated by the Surgeon-General in reporting these facts, due to defective medical organization, is evidenced by the fact that after the organization of the ambulance service of Letterman such occurrences ceased in the Army of the Potomac. After the great battles of Fredericksburg, December 13, 1862, and Chancellorsville, May 2, 1863, for instance, although the Army was defeated, the field was cleared of wounded without confusion or delay.

The public sentiment of the civilized world therefore demands better organization and higher efficiency for the medical department of armies than at any time heretofore. Other nations, including even so poor a nation as the Japanese, are willing to pay the cost of increased efficiency in the shape of a large and well-organized medical service, and it is not to be believed that Congress or the American people will refuse for our Army what is demonstrated to be essential to avoid future failure and insure efficiency. For medical efficiency a certain number of trained medical officers is necessary to direct matters of military sanitation, and, in the words of Mr. Root, "to conduct the administration of the great and complicated medical service." The

measure of this number is given by the Secretary of War in his report for this year, as follows (p. 25):

"It is evident that a staff department which has a personnel insufficient to perform the duties required of it in time of peace can not be successfully expanded to meet the increased responsibilities of war. The commissioned personnel of the Medical Department is nearly 200 short of the number required to perform its work at present, and the deficiency has to be made good by the employment of civilian physicians under contract. This is an expensive and unsatisfactory expedient in time of peace, while in time of war it heavily handicaps the efficiency of the Department."

This principle was not recognized in the reorganization of the Army in 1901. The increase in the Medical Department at that time was so inadequate that the proportion of medical officers to the Army at large was not increased, but greatly diminished and was made considerably less than the proportion existing at the beginning of the Spanish war or the civil war—this in spite of the recommendation of the Dodge Commission that the regular corps be increased.

Instead of giving an advocate's discussion of the bill now before Congress, I prefer to refer the President to the impartial opinion of the experts of the third division of the General Staff as given in their report on it made to the Chief of Staff, which is to be found on pages 6, 7, and 8 of the report of the Senate Military Committee. (Report No. 2420.)

The attention of the President is especially asked to the following points:

The Army is to-day officered for a strength of 100,000 men, except the Medical Department, which is only sufficient for 42,000.

An adequate increase in the Medical Corps was recommended by the Dodge Commission.

This bill offers, in the words of Secretary Taft, "a complete workable system."

With a less number than that asked for, the Medical Department can not perform the duties with which it is charged by Army Regulations in time of peace, or be successfully expanded to meet the increased labors and responsibilities of war.

With a less proportion in the higher grades it can not attract properly qualified candidates to fill the vacancies created.

The Reserve Corps constitutes an eligible list of competent civil physicians who will reenforce the regular Medical Corps in time of war or other emergency.

The increase of cost is, when the enlargement is completed four years hence, only about 10 per cent above the present cost of the Medical Corps, while next year it will be actually diminished under this act.

The increase of efficiency is as 320 is to 450, or about 40 per cent.

This bill has received the rigid scrutiny of the General Staff, and the approval of Secretary Root, of Secretary Taft, of the Military Committee of the Senate, and of the American Medical Association.

Respectfully submitted.

R. M. O'Reilly,
Surgeon-General, U. S. Army.

On February 17, 1905, the Military Committee of the House reported the bill favorably, but with certain amendments, the most important of which was to reduce the number of officers having the rank of colonel from 16 to 12, those with rank of lieutenant-colonel from 24 to 18, and those having the rank of major from 110 to 85.

It is believed that these reductions should not be made, for the following reasons:

1. Because there are a sufficient number of stations in peace and war, which, on account of their importance and the responsibilities attached to them, are appropriate for the assignment thereto of the number of officers of these grades asked for.

2. Because the number asked for restores the proportion in those grades to that existing for many years prior to the reorganization of 1901, of which the Medical Corps was deprived without a fair hearing or consideration for its needs and interests. The proportion of officers of these grades, which had been always less than most other staff departments, was by that act reduced far below them all. This bill only asks the correction of this injustice. If the numbers asked for by it are allowed without change, the proportion of colonels and lieutenant-colonels will still be less than in any other staff department except the Signal Corps and the total percentage having field rank will still be less than in the Quartermaster, Commissary, and Pay departments.

3. Because the number asked for corresponds quite nearly with that in the equivalent grades of the Medical Corps of the Navy. It is very considerably less than the proportion in the field grades of the British service.

4. Because it is necessary to establish a proper flow of promotion beyond the grade of major and to offer a reasonably attractive career to the younger officers of the corps

and to candidates for admission to it. A corps which offers no higher prizes than a few colonelcies and lieutenant-colonelcies, which will not be obtained until near the date of retirement for age, does not offer sufficient inducements to attract the class of men which is desired. The higher prizes of the Army, which stimulate the ambition of the officer of the line or engineers, and which may reasonably be expected to be attained by officers of more than ordinary ability, zeal, and industry, such positions as the Lieutenant-General, 5 major-generals, and 15 brigadier-generals, do not exist in the Medical Department, with the single exception of the grade of Surgeon-General, which can, from the nature of things, be attained by very few. The reduction of the colonels from 16 to 12, the lieutenant-colonels from 24 to 18, and the majors from 110 to 85, taken with the increase in the Medical Corps made by this bill, leaves the prospect of promotion for medical officers beyond the grade of major very little better than it is at present. The percentages are:

	Per cent.
For colonels:	
Present organization, act of February 2, 1901	2.5
Bill as drawn by War Department and passed by Senate	3.5
Bill as amended by Military Committee of House	2.7
The Medical Corps, United States Navy, have	4.3
The Ordnance Corps ask in their bill (S. 5166) for	8.3
Lieutenant-colonels:	
Present organization, act of February 2, 1901	3.8
Bill as drawn by War Department and passed by Senate	5.3
Bill as amended by Military Committee of House	4.1
The Medical Corps, United States Navy, have	4.3
The Ordnance Corps ask in their bill (S. 5166) for	11.9
Majors:	
Present organization, act of February 2, 1901	18.7
Bill as drawn by War Department and passed by Senate	24.4
Bill as amended by Military Committee of House	20.5
The Medical Corps of the Navy have	24.7
The Ordnance Corps ask in their bill (S. 5166) for	25

It must also be borne in mind that the Medical Department must draw its recruits from a profession which in its higher grades is by no means overcrowded, so that the position has to seek the candidate, and a very slight diminution in inducement offered very seriously affects the supply. This has been repeatedly shown in the experience of the Medical Corps of both the Army and Navy. For example, the Naval Medical Corps was for many years unable to fill up its number because junior medical officers were required to mess for the first three years with the midshipmen instead of in the wardroom. And the Medical Corps of the Army, in spite of strenuous efforts to attract candidates, has been unable to fill the vacancies created by the reorganization of 1901 as soon as the injurious effects of that reorganization upon the prospects of the Corps became known at the medical centers. In both services it has been found necessary to send officers to the medical colleges to make addresses for the purpose of attracting candidates, and this without avail as far as the Medical Department of the Army is concerned. The number of resignations since February 2, 1901, has been a serious loss, being 13, as compared to 2 in the four years anterior to that date. It is a fact which can be easily demonstrated that the success in civil life of those who resign is usually greatly above that of the average practitioner, while in many cases it has been brilliant. Van Buren, Holden, Homans, H. C. Woods, Bartholow, Asch, Marsh, Connor, Wier, Gouley, Dunster, Barrows, Hopkins, and Wilson are examples.

Under these circumstances, it seems clear that if the numbers in the higher grades asked for by the Surgeon-General are materially cut down it will cause the failure of the bill in one of its most important objects, viz, to offer a career sufficiently attractive to induce thoroughly competent and well-qualified men to enter the Corps. It will be impossible to fill up the vacancies created by this act just as it has been impossible to fill up those now existing, and the Medical Department will continue to be short handed.

It seems evident, therefore, that if the amendments proposed by the Military Committee of the House are adopted, the act will fail of its cardinal purpose.

The reduction in the number of officers of the rank of major is also unfortunate, because of the demand for officers of this grade for regimental and post surgeons and for numerous special details and duties. As shown by the comparative table below, the average proportion in this grade for the technical departments is 34.07 per cent, in the other departments 37 per cent, so that the 24.4 per cent asked for can scarcely be considered extravagant.

With regard to the proposed reduction of the time of service as first lieutenant from five to three years, it may be remarked that in view of the fact that the nonprofessional departments, such as the Quartermaster's, Commissary, and Pay Departments, have no grade lower than captain, the justice of requiring the medical officer, who has to equip himself by a long and expensive professional education, and who consequently is older than the officer of any other branch when he enters the service to begin his service as a lieutenant is not clear. The reduction to three years is proposed, as this is the period required in the Medical Department of the Navy, and it was at one time the period in the Army also. It is also the period required in the British medical service.

Relative percentages of the different grades in the respective Staff Corps of the Army, as now either authorized by law or as approved by the Secretary of War and awaiting Congressional action.

	Colonels.	Lieutenant-colonels.	Majors.	Captains and lieutenants.	Percentage of field officers to captains and lieutenants.
Adjutant-General	18.54	25.95	55.61	.....	100.00
Inspector-General	25.00	25.00	50.00	.....	100.00
Judge-Advocate-General	18.18	27.27	54.55	.....	100.00
Quartermaster's Department	6.32	9.48	21.07	63.23	36.87
Subsistence Department	6.98	9.31	20.95	62.86	37.14
Pay Department	5.77	7.69	38.46	48.08	51.92
Medical Department	2.50	3.75	18.75	75.00	25.00
Medical Department [a] (S. 4838)	3.55	5.33	24.46	66.66	33.33
Engineer Corps [b]	5.34	8.55	17.11	69.00	31.00
Ordnance Department	5.17	8.57	17.14	68.58	31.42
Ordnance Department [a]	8.33	11.90	25.00	54.80	45.20
Signal Corps	2.22	4.45	13.33	80.00	20.00
Average, technical departments: Engineers, Judge-Advocate-General, Medical, Ordnance, Signal Corps	9.06	13.96	34.07	82.81	57.19
Average, remaining departments	12.52	15.49	37.22	34.83	65.19

[a] Organization approved by the Secretary of War and contained in Senate bill 4838, for Medical Department, and Senate bill 5166, for Ordnance Department.
[b] Organization contained in army appropriation bill of this year.

INCREASE OF COST.

If the Medical Department is placed on an adequate basis of efficiency with enough commissioned officers to do the work required of it in time of peace and a just apportionment in the several grades, the cost for salaries will of course be greater than under the present haphazard arrangement. The amount of this increase is shown by the following tables prepared by the Paymaster-General, which show the cost for the next fiscal year 1907 under the present law (Table I), and the cost for the next fiscal year under the proposed law (Table II), the increase of commissioned officers being 25 per cent with a corresponding reduction of the temporarily employed reserve corps surgeons. Table III shows the cost of the corps for the fiscal year 1910, when the authorized increase has been completed, which represents approximately the cost also for subsequent years thereafter.

TABLE I.—*Pay of Medical Department, fiscal year 1907, based on names of those in service July 26, 1905; allowing for one retirement for age during 1906, and also presuming all vacancies in the corps filled and the necessary number of contract surgeons to do the work of the Medical Department.*

1 surgeon-general, $5,500	$5,500
9 colonels, $4,500	40,500
12 lieutenant-colonels, $4,000	48,000
35 majors, $3,500	122,500
15 majors, $3,250	48,750
10 majors, $3,000	30,000
1 captain, $2,800	2,800
17 captains, $2,400	40,800

114	captains, $2,200	$250,800
1	first lieutenant, $2,240	2,240
2	first lieutenants, $1,760	3,520
105	first lieutenants, $1,600	168,000
144	contract surgeons, $1,800	259,200
466	Total	1,022,610

TABLE II.—*Pay of Medical Department, fiscal year 1907, based on increase of 25 per cent.*

1	surgeon-general, $5,500	$5,500
11	colonels, $4,500	49,500
15	lieutenant-colonels, $4,000	60,000
33	majors, $3,500	115,500
15	majors, $3,250	48,750
26	majors, $3,000	78,000
2	captains, $2,800	5,600
6	captains, $2,400	14,400
85	captains, $2,200	187,000
90	captains, $2,000	180,000
72	first lieutenants, Medical Corps } $1,600	291,200
110	first lieutenants, Medical Reserve Corps. }	
466	Total	1,035,450

TABLE III.—*Pay Medical Department fiscal year 1910, based on full increase.*

1	surgeon-general, $5,500	$5,500
14	colonels, $4,500	63,000
20	lieutenant-colonels, $4,000	80,000
19	majors, $3,500	66,500
33	majors, $3,250	107,250
41	majors, $3,000	123,000
7	majors, $2,750	19,250
2	captains, $2,800	5,600
3	captains, $2,400	7,200
135	captains, $2,200	297,000
115	captains, $2,000	230,000
45	first lieutenants, $1,600	72,000
15	first lieutenants, reserve, $1,600	24,000
450	Total	1,100,300

Attention is invited to the fact that a part of the increased cost for the fiscal year 1910 would occur in any event, being due to the fact that the large number of new men who entered the corps in 1901 and 1902 would then be drawing increased pay on account of length of service and promotion to the grade of captain.

Finally, it is submitted that although a corps of trained experts has a higher initial cost than one composed in part of provisionally employed substitutes, it by no means follows that the latter is in the end more economical. On the contrary, it can easily be demonstrated that the best professional advice is in the end the cheapest, and that efficiency is the truest economy. This is particularly the case when it is a question of the prevention of disease. Preventive medicine has become a well-marked specialty of medical science and one that is but little studied by the civil practitioner, or others than health officers and physicians in the Government service. Military hygiene is itself a further specialization of preventive medicine due to the peculiar conditions of the soldier's life, in most respects so different from those of civil life, and the further fact that the imperative demands of military necessity require extensive modifications of ordinary sanitary methods. Therefore in the most important part of his duty the trained military surgeon can not be successfully replaced by a temporarily employed civil practitioner, even if the latter were always in other respects of equal capacity. In point of fact they are not equal, as the status of the contract surgeons is so unsatisfactory to themselves that the best soon leave the service, and the tendency of the system is to secure the survival of the sluggish and the unfit. It is besides very wasteful because of the continual changes of personnel.

In the five years since the Spanish war there have been 1,604 appointments and 1,512 discharges of contract surgeons, the average number in service being 347. Each one discharged had to be transported at Government expense back to his home and a new man sent to replace him, often across the continent and the Pacific. Add to this the loss by ignorance of their duties, lack of administrative experience, loss of property by inexperience in accountability, errors in records and reports by which the interests of the Government are not safeguarded in pension cases, and the contract surgeon will be found to be by no means an economical substitute for officers of higher rank and pay and of experience.

It is therefore believed that aside from the question of efficiency of the Medical Department and its resulting influence on the Army, the passage of this bill will result in a saving of money to the Government in the administration of the Medical Department alone.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, November 13, 1905.

SIR: As a result of observations made in Cuba during the Spanish-American war and subsequently during the military occupation of the island, and also as a result of experience in the Philippines, I have the honor to urgently recommend the passage of a bill known as "A bill to increase the efficiency of the Medical Department of the United States Army," as originally presented. I deem the increase absolutely essential to the efficient performance of the duties assigned to the Medical Department of the Army and to the acquisition by and retention in the service of a suitable class of medical officers.

It is needless to refer to the importance of the work of the Medical Corps in time of war. The physical efficiency of the Army must depend largely upon their recommendations and efforts. Our experience during the war with Spain should be sufficient to render the recurrence of conditions then prevalent impossible. First-class men in sufficient numbers can not be procured under present conditions of promotion. The class of men needed in the Medical Department of the Army must have some reasonable inducement to enter and to remain. Increase of rank, with its attendant increase in emoluments, is as keenly sought after in the Medical Corps as in the line of the Army.

The present arrangement of making up the deficiency of medical officers by the employment of contract surgeons is most undesirable. Little is known as to the lifications of these gentlemen, and they are usually stationed at the remote posts nt on detached service as medical officers with small commands, places where have not the benefit of the advice or of consultation with officers of the regular nent, and the lives of officers and men of the command are placed entirely nands of men concerning whose professional ability little or nothing is known. ystem of employing contract surgeons is a makeshift and an expensive one, as policy of expansion of the Medical Department in time of war through the oyment of inexperienced civilian medical men. These gentlemen, whatever professional attainments, know little of army methods or of handling large es of men, and we have always paid for their education in time of war by an rmous expenditure of men and money, with its resulting embarrassment in the y of inefficient troops and a large pension list.

f Medical Department should be large enough to enable the Army in case of nsion to have regular medical officers in reasonable numbers throughout the ire force.

The plan for a medical reserve seems to be an excellent one, provided applicants are admitted to it only after a thorough examination as to their qualifications.

Very respectfully,

LEONARD WOOD,
Major-General, U. S. Army, Commanding.

THE MILITARY SECRETARY,
War Department, Washington, D. C.

List of army posts and stations, with medical officers thereat—Continued.

Post or station.	Organizations.	Medical officers.					
		Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Contract surgeons.
McDowell, Fort, Cal	a*7			1		1	2
McHenry, Fort, Md	2					1	
McIntosh, Fort, Tex	3				1		
Mackenzie, Fort, Wyo	4					1	
McKinley, Camp, Hawaii	4				1		1
McKinley, Fort, Me	4					1	1
McPherson, Fort, Ga	*13			1	1	1	
McRee, Fort, Fla	(b)						
Meade, Fort, S. Dak	*9			1			1
Michie, Fort, N. Y	(b)						
Miley, Fort, Cal	2					1	
Missoula, Fort, Mont	4						1
Monroe, Fort, Va	*9			1			1
Morgan, Fort, Ala	2						1
Mott, Fort, N. J	2						1
Moultrie, Fort, S. C	*4				1		1
Myer, Fort, Va	*7			1		2	
New York Arsenal, N. Y							
Niagara, Fort, N. Y	4				1		
Niobrara, Fort, Nebr	*9				1		1
Oglethorpe, Fort, Ga	*13				1	1	1
Omaha, Fort, Nebr	2						1
Ontario, Fort, N. Y	4					1	
Pickens, Fort, Fla	(b)						
Plattsburg Barracks, N. Y	*13			1			1
Porter, Fort, N. Y	4				1		
Preble, Fort, Me	2				1		
Presidio of Monterey, Cal	*17			1	1		1
Presidio of San Francisco, Cal	*18			1	3	1	
Presidio of San Francisco, general hospital			1		2	6	
Reno, Fort, Okla	2				1		1
Revere, Fort, Mass	1						1
Riley, Fort, Kans	*18			1	1	1	1
[illegible]ld, Fort, Tex	2						1
[illegible]n, Fort, Nebr	*9				1		1
[illegible]ck Island Arsenal, Ill	(b)						1
[illegible]dman, Fort, Mass	1						1
[illegible]secrans, Fort, Cal	2					1	
[illegible]am Houston, Fort, Tex	*11			1		1	2
[illegible]an Antonio Arsenal, Tex	(b)						
Sandy Hook proving ground, New York	(b)						
[illegible]n Juan, P. R	*5			1			1
[illegible]uyler, Fort, N. Y	*2					1	
[illegible]even, Fort, Ga	*3					1	
[illegible]ridan, Fort, Ill	*15			1	1		1
[illegible] Fort, Okla	4					1	1
[illegible]um, Fort, N. Y	c3			1	1	2	
[illegible]illwood, Fort, Md	(b)						
[illegible]lling, Fort, Minn	*17			1		1	1
[illegible]ingfield Armory, Mass	(b)						1
[illegible]ndish, Fort, Mass	(b)						
[illegible]rk, Fort, N. H	(b)						
[illegible]ns, Fort, Oreg	*2					1	
[illegible]chael, Fort, Alaska	2				1		
[illegible]ilip, Fort, La	(b)						1
[illegible]ng, Fort, Mass	2						1
[illegible]ter, Fort, S. C	(b)						
[illegible]ry, Fort, N. Y	2						1
[illegible]mas, Fort, Ky	*9			1		1	
[illegible]ten, Fort, N. Y	5			1			1
Trumbull, Fort, Conn	1						1
U. S. Powder Depot, N. J	(b)						
Valdez, Alaska	1						
Vancouver Barracks, Wash	*13				1	1	2
Wadsworth, Fort, N. Y	5			1			1
Walla Walla, Fort, Wash	*5				1		1
Ward, Fort, Wash	(b)						1
Warren, Fort, Mass	2					1	
Washakie, Fort, Wyo	2						1
Washington Barracks, D. C	*5					1	
Washington Barracks, D. C., general hospital and Company A, H. C	1			1	2	1	

a Detail. b And depot recruiting and cas. c And recruiting depot.

List of army posts and stations, with medical officers thereat—Continued.

Post or station.	Organizations.	Medical officers.					
		Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Contract surgeons.
Washington, Fort, Md	*3				1		
Watertown Arsenal, Mass	(a)						1
Watervliet Arsenal, N. Y	(a)						1
Wayne, Fort, Mich	*4			1			1
West Point, N. Y. (U. S. Military Academy)			1		1	1	
Wetherill, Fort, R. I	(a)						
Whipple Barracks, Ariz	2				1		
William H. Seward, Fort, Alaska	*4			1			
Williams, Fort, Me	*3				1		
Wingate, Fort, N. Mex	2				1		
Wood, Fort, N. Y	1						1
Worden, Fort, Wash	*5				1		
Wright, Fort, Wash	4						1
Yellowstone, Fort, Wyo	2				1		
Headquarters:							
Department of East		1					
Department of Gulf			1				
Department of Lakes		1					
Department of Missouri		1					
Department of Dakota		1					
Department of Texas			1				
Department of Colorado			1				
Department of California		1					
Department of Columbia			1				
Special duty, government Porto Rico					1		
Chicago, Ill., attending surgeon and examiner of recruits					1		1
New York, N. Y., attending surgeon					1		
Supply depot, New York			b 2		1		
Omaha, Nebr., attending surgeon							1
St. Louis, Mo., attending surgeon							1
Supply depot:							
St. Louis			1				
San Francisco			1				
Field supply depot, Washington					1		
Oklahoma City, Okla							1
Soldiers' Home, Washington				1			
Surgeon-General's Office, Washington		1		4	1	1	
Washington, D. C.:							
Attending surgeon				1		1	
Army Medical School							17
General Staff					1		
Isthmian Canal Commission		1		1	2	1	
Fishermans Point, Cuba							1
Unassigned						5	
Transports						3	2
PHILIPPINES.							
Amadeo, Luzon	(a)						
Antipolo, Luzon	(a)						
Antimonan, Luzon	*5						1
Baguio, Benguet	(c)						1
Balamban, Cebu	1						1
Balangigi, Samar	1						
Balayan, Luzon	1						1
Baler, Luzon	(a)						
Binan, Luzon	1						1
Binangonan, Luzon	1						1
Boac, Marinduque	1						1
Borongan, Samar	*6					1	
Bulalacao, Mindoro	(a)						1
Bulao, Samar	*5					1	
Cagpili, Samar	1						1
Cainta, Luzon	(a)						
Calamba, Luzon	1						1
Calaoag, Luzon	1						1

a Detail. b Lieutenant-colonel awaiting retirement. c Special duty.

List of army posts and stations, with medical officers thereat—Continued.

Post or station.	Organizations.	Medical officers.					
		Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Contract surgeons.
Camp Mindoro	1						1
Camp Rumpis, Leyte	*4			1		1	
Camp [illegible], Samar	*12			1		1	
Camp Daraga, Luzon	4						
Camp [illegible], Leyte	4					1	1
Camp Eldridge, Luzon	1					1	
Camp [illegible], Luzon	4				1		1
Camp Hartshorne, Samar	1						1
Camp [illegible], Samar	*5						1
Camp [illegible], Guimaras	*10			1		1	1
Camp [illegible], Mindanao	*14			1		3	
Camp [illegible], Luzon	*7			1	1	1	
Camp [illegible], Samar	1					1	
Camp [illegible], Luzon	*9					1	1
Camp [illegible], Mindanao	*5						2
Camp [illegible], Luzon	*19			1	1	3	
Camp [illegible], Mindanao	2					1	
Camp [illegible], Luzon	4					2	1
Camp [illegible], Cebu	4				1	1	
Camp [illegible], Luzon	3					1	
Camp [illegible], Luzon	1						1
Cantonment, Luzon	(a)						
Cantonment, Samar	1						1
Cotabato, Mindanao	2					1	
Cotabato, Mindanao	1					1	
Dagupan, Luzon	1						1
Dagupan, Luzon	1						
Dapitan, Mindanao	*5					2	
Fort Pilar, Mindanao	1						1
Fort William McKinley, Luzon	***30			1	2	5	1
Guiuan, Samar	1						1
Guiuan, Samar, Luzon	1						1
Guiuan, Samar	1						1
Iloilo, Panay, department headquarters and base hospital	3			1	1	1	
Iloilo, Luzon	*5						1
Infanta, Luzon	1						
Infanta, Luzon	1						1
Jolo, Jolo	7			1		2	
Legaspi, Samar	1					1	
Legaspi, Luzon	(a)						
Madrid, Samar	(?)					1	
Malabang, Mindanao	9				1		2
Malate, Manila, Luzon	1						
Manila							
Cuartel de España	5				1	1	
Cuartel de Infantería	1						1
Cuartel de Meisic	4				1	1	
Margosatubig, Mindanao	1						1
Marigondon, Luzon	1						1
Marawi, Lake, Mindanao	(a)						
Mariveles, Bataan, Luzon	(a)						
Naga, Cebu	1						1
Naga, Camarines, Luzon							
Nasugbu, Luzon	1						1
Parang, Mindanao	*5					1	
Pasay, Luzon	1					1	
Pasig, Luzon	1						1
Puerto Princesa, Palawan	1						1
Pampanga station, Luzon	1						
Rio de Janeiro, Mindanao	2						
Santa, Luzon	1						1
San Juan, Cebu	1						
San Isidro, Luzon	1						1
San Mateo, Luzon	1						1
Santa Cruz, Luzon	(a)						
Santo Tomas, Luzon	1						1
Sapopan, Mindanao	(?)						2
Sorsogon, Luzon	(a)						
Taft, Samar	1					1	
Tagabilan, Samar	2						
Tagbilaran, Bohol	1						1
Tayabas, Luzon	5						1
Tacloban, Samar	1						1
Toledo, Cebu	1						
Tubigan, Cebu	(a)						

a Detail.

Distribution of officers of the Medical Department, U. S. Army, in time of peace under proposed organization—Continued.

Stations.	Number of organizations.	Colonels.	Lieutenant-colonels.	Majors.	Captains, first lieutenants.
Jefferson Barracks, recruiting depot	4			1	2
Keogh	6			1	1
Key West	[a]4			1	
Lawton	5				1
Leavenworth, brigade post, staff college	24	1		1	5
Lincoln	2				1
Liscum	1				1
Logan H. Roots	2				1
Logan	[b]13			1	1
Mackenzie	2				1
Madison Barracks	[b]9			1	1
Mansfield	1				1
Mason	[b]3				1
McDowell, recruiting depot	[b]7			1	3
McHenry	2			1	
McIntosh	2				1
McKinley	4				1
McPherson	[b]13			1	2
Meade	[a]9			1	1
Miley	2				1
Missoula	4			1	
Monroe, artillery school	[b]8		1		2
Morgan	2				1
Mott	1				1
Moultrie	[c]4			1	
Myer	[b]7			1	2
Niagara	4			1	
Niobrara	[b]9			1	1
Ord Barracks, Monterey	[a]16		1		2
Philippines		3	7	25	140
Plattsburg Barracks	[a]13			1	2
Porter	4			1	
Preble	[a]2			1	
Presidio, San Francisco	[d]18		1	1	2
Reno	2			1	1
Revere	1				1
Riley, cavalry and artillery school	[d]18		1		2
Ringgold	2				1
Robinson	[a]8			1	1
Rodman	1				1
Rosecrans	[a]2			1	
San Juan	[a]6			1	1
Schuyler	[a]2			1	
Screvens	[a]3			1	
Sheridan, brigade post	[c]15		1		2
Sill	5			1	1
Skagway	2				1
Slocum, recruiting depot	3			1	3
Snelling, brigade post	[e]17		1		2
Stevens	[f]2			1	
St. Michael	2				1
Strong	2				1
St. Philip	Detail.				1
Sam Houston	[e]10			1	2
Terry	2				1
Thomas, Camp, Fort Oglethorpe	[e]13			1	2
Thomas, Fort	[e]9			1	1
Totten	5			1	1
Trumbull	1				1
Vancouver Barracks	[e]13			1	2
Wadsworth	5			1	1
Walla Walla	[e]5			1	1
Warren	[a]2			1	
Washakie	2				1
Washington Barracks	[e]4			1	
Washington, Fort	[d]5			1	
Wayne	[e]4			1	
West Point	([e])	1		1	2
Whipple Barracks	2				1
Williams	[e]3				1
Wingate	2				1
Wood	1				1
Worden	2				1
Wright, H. G	[a]5			1	
Wright	4				1
Yellowstone	2				1
Departments, United States, (8) chief surgeons		8			
Supply depots, United States		1	2	1	1

[a] A. D.
[b] Headquarters, band.
[c] Headquarters, band, A. D.
[d] Prison.
[e] 2 headquarters, 2 bands.
[f] Examination of recruits.

The general commanding an army has a staff composed of three officers. These are the chief of staff, the chief of artillery, and the chief surgeon. These have equal rank, which is that of major-general.

The chief surgeon of a division has the rank of colonel.

A Japanese medical officer serves three years with the rank of first lieutenant, when he becomes a captain. At the end of the eighth year he becomes a major. In four more years he is made a lieutenant-colonel, and in three more, or fifteen years in all from his entrance into the service, he is promoted to colonel. These promotions occur provided his examinations and record are satisfactory.

Very respectfully,

R. M. O'Reilly,
Surgeon-General U. S. Army.

O

Mr. Justice Harlan, delivering the opinion of the court in the case of In re Shilreyo Jugiro, said:

As Jugiro's first written application for a writ of habeas corpus alleged that he was restrained of his liberty in violation of the Constitution of the United States, no question is made, as indeed none could be made, as to his right under the existing statutes of the United States relating to habeas corpus to have prosecuted an appeal to this court from the order of the circuit court denying that application. (Rev. Stat., pars. 751, 752, 753, 761, 762, 763, 764, 765; act of March 3, 1885, chap. 353, 23 Stat., 437.)

By this it will be seen that, as above suggested, the right of appeal is absolute, and it furnishes persistent and litigous defendants with an opportunity to get the delay of from one to two years where there is absolutely no merit in their contention. The attention of the committee was called to a condition existing in one of our States where petition for habeas corpus after petition and successive appeals from adverse decisions thereon in the same case had been prosecuted, involving a purely factious delay of three or four or more years. This statute makes it impossible to continue this vicious practice, as under it no appeal can be prosecuted unless either the United States court making the final decision or a justice of the Supreme Court shall be of the opinion that there exists probable cause for such appeal. That the delay of execution and punishment in criminal cases is the most potent cause in inducing local dissatisfaction, not infrequently developing into lynching, is obvious, and it is certainly the duty of Congress to eliminate so far as possible all unnecessary and factious delay, and this will be accomplished by the passage of this bill.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 24.

SECOND HOMESTEAD ENTRIES.

JANUARY 8, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GRONNA, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 300.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 300) providing for a second homestead entry, report the same back with the recommendation that it do pass.

The necessity for and advisability of legislation from time to time providing for second homestead entries in cases where the entryman has been unable to perfect title to the land covered by his first entry has long been recognized by Congress. In 1889 and again in 1900 legislation of this character was had, and as time passes and the public lands subject to homestead entry are largely in regions where the perfecting of homestead entries is surrounded by many difficulties the necessity for the legislation increases.

The American homesteader is constantly pushing forward from the confines of settlement on to new lands, and passing beyond the region of assured and plentiful rainfall he has, from time to time, invaded territory where conditions were such as to render it impossible for him in many cases to retain his land and obtain title to it. Years of extreme drought and other conditions—sometimes permanent in character, sometimes temporary—have often compelled him to give up the struggle, and yet the spirit of the pioneer is so strong in the breast of many of these men that after a lapse of a few years, during which time they have been able to somewhat recoup their fortunes, they desire to again make an effort to secure a home on the public lands.

These men make the best and most successful homesteaders in the regions where conditions are trying for the pioneer. They have had experience which qualifies them to cope with the conditions more successfully than the man who has never made the attempt and is unfamiliar with conditions in the region in which he desires to settle.

In the past few years the adoption of improved methods of cultivation and the introduction of crops suitable to semiarid regions have encouraged the settlement of lands which a few years ago were considered valueless except for grazing purposes. To cope with the situ-

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. } REPORT No. 25.

FIXING THE LIMITATION TO CERTAIN CLAIMS OF VOLUNTEERS IN THE WAR WITH SPAIN.

JANUARY 8, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. DE ARMOND, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 3923.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3923) to fix the limitation applicable in certain cases, having had the same under consideration, report it back to the House with the recommendation that it do pass.

The act of July 8, 1898, the act of March 3, 1899, amending it, and the act of April 24, 1904, amending the last-mentioned act—the titles of all which acts are set forth in the bill—provide, among other things, for payment to the volunteer officers and soldiers of the war with Spain for the time between their assembling at rendezvous and muster in, payment to be made through the State and Territorial governors; nothing on this account to go into any State or Territorial treasury, but only to the volunteer officers and soldiers.

The volunteers in most of the States have received this allowance, but those of a few States have not. In a few cases claims have not been presented by the governors, who alone can present them, and some claims filed are regarded as defective in form of statement, because not minutely itemized.

No limitation is fixed in the 1898 act; that of the act of 1899 is January 1, 1902, and that of the act of 1904 is January 1, 1906. The sole purpose of this bill is to make the limitation January 1, 1910, and its enactment into law would have no other effect.

By its enactment the comparatively few volunteer officers and men of the war with Spain who have not yet received what these acts entitle them to may, through the governors of their respective States, be placed upon equal footing with their comrades in arms from other States; so that those equal in merit may, as they should, fare alike.

It is the unanimous judgment of the committee that the enactment into law of this bill will be simple justice to those whom it would affect, and will accomplish the legislative will embodied in the acts heretofore mentioned.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 26.

EXTENDING TIME FOR ORGANIZED MILITIA TO CONFORM TO SECTION THREE OF ACT OF JANUARY 21, 1903.

JANUARY 9, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. STEENERSON, from the Committee on Militia, submitted the following

REPORT.

[To accompany S. R. 14.]

The Committee on Militia, to whom was referred the joint resolution (S. R. 14) extending the time allowed the Organized Militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of the act approved January 21, 1903, make the following unanimous report thereon and recommend that the joint resolution do pass.

The act to promote the efficiency of the Militia, approved January 21, 1903, section 3 (32 Stat. L., 775), provides as follows:

> The organization, armament, and discipline of the Organized Militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States within five years from the date of the approval of this act.

The five years provided by this law, within which time the organization and armament of the Organized Militia was to conform to that of the Regular Army, expires on the 21st day of the present month.

According to the report on this resolution by the War Department, which is hereto attached, only four States, Idaho, Massachusetts, Wisconsin, and South Dakota, have conformed to the act of January 21, 1903; four States, Illinois, Maine, Michigan, and Nebraska, report that they can conform within the prescribed time; eight States, Arkansas, Indiana, Mississippi, New Mexico, Oregon, Tennessee, Alabama, and Louisiana, report that legislation is necessary to effect conformity; twenty-two States and Territories have failed to reply to the letter of the Department inquiring in regard to the matter of conformity, while three States, Kentucky, Texas, and Utah, and the District of Columbia report nonconformity. According to advice from the National Guard Association, representing nearly every State and Territory, they are all anxious to conform and are striving to do so at the earliest date possible. While there appears to be little or no excuse on the part of many States and Territories for this continued failure during five years to conform to the laws and regulations of the General Government in the matter, yet in other instances the delay seems to have been unavoidable, as in those States where legislation is necessary, and notably in the case of the District of Columbia, where

nonconformity is due to the failure of Congress to pass a reorganization act making conformity possible.

It is therefore the opinion of the committee that the extension asked for should be granted, but that States and Territories failing to conform within the time as extended must not expect further extensions, but should forfeit their respective quota of the appropriation made by Congress in the event of a failure to conform by January 21, 1910.

Appended to this report are tables showing strength of the Organized Militia and the apportionment of the annual appropriation of $2,000,000 by Congress for support of the Militia, referred to in the report of the Department.

There are no official figures showing the annual appropriations by the several States and Territories, but the committee has received unofficial figures, which are believed to be reliable, showing total appropriations for the year 1907 of $4,941,899. This table is also appended, as well as a letter from Maj. George C. Lambert, president Minnesota National Guard Association.

WAR DEPARTMENT,
Washington, January 6, 1908.

DEAR SIR: Replying to your letter of 4th instant requesting a report on S. R. 14, extending the time allowed the Organized Militia of the several States and Territories to conform to the provisions of section 3 of the act approved January 21, 1903, I have the honor to invite your attention to the accompanying statement, compiled from such data as are before the Department, showing the degree of conformity which the several States and Territories have accomplished in compliance with the mandate of the law.

The showing made is entirely unsatisfactory, very few of the States having completed their organizations, and the necessity for an extension of the time limit of the law is manifest.

With a view to meeting your request for information as to the strength of the Militia, I invite your attention to the tables on pages 7 and 8 of the accompanying report of the Adjutant-General of the Army on the Militia of the United States for the fiscal year ended June 30, 1907, and, further, to the statement on page 116 of said report covering the allotment of $2,000,000 for the support of the Militia, provided annually by section 1661 of the Revised Statutes.

It is impossible to comply with your wishes for a statement as to the amounts appropriated and expended by the several States for the maintenance of the Militia, as the States do not report their appropriations and expenditures to the Department. I can only, therefore, give you the amounts provided by the National Government for this purpose, as referred to above.

The Department is satisfied that there is a very widespread if not almost unanimous desire on the part of the State authorities to secure the postponement of the provision of the law as to conformity, and accordingly it is earnestly recommended that Senate resolution 14 receive the early and favorable consideration of your committee.

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Hon. H. STEENERSON,
Chairman, Committee on Militia,
House of Representatives.

Statement as to conformity of National Guard to section 3 of the act of January 21, 1903.

States that have conformed: Idaho, Massachusetts, Wisconsin, and South Dakota.

States reporting that they can conform by January 21, 1908: Illinois, Maine, Michigan, and Nebraska.

States reporting that State legislation will not be needed to effect conformity: Arkansas, Indiana, Mississippi, New Mexico, Oregon, Tennessee, Alabama, Louisiana.

States reporting that State legislation will be needed to effect conformity: California, Florida, Kansas, Mississippi, Maryland, North Dakota, South Carolina, and Virginia.

annual inspection reports, by United States inspecting officers, for each year since the enactment of the militia law of January 21, 1903, with the increase or decrease from 1903 to 1907:

State or Territory.	Strength shown by inspection reports.					1903-1907.	
	1903.	1904.	1905.	1906.	1907.	Increase.	Decrease.
Alabama	3,318	2,505	2,291	2,035	2,196	.....	1,122
Arizona[a]	382	396	380	331	317	.....	65
Arkansas	1,731	1,662	1,172	1,127	1,362	.....	369
California	3,480	3,404	3,356	3,059	2,694	.....	786
Colorado	1,082	1,898	1,074	599	643	.....	439
Connecticut	2,572	2,758	2,814	2,725	2,780	208	.....
Delaware	389	332	388	369	403	14	.....
District of Columbia[b]	1,294	1,354	1,512	1,278	1,372	78	.....
Florida	1,291	1,210	1,554	1,120	1,246	.....	45
Georgia	4,684	3,729	3,191	2,760	2,745	.....	1,939
Hawaii	573	473	549	416	425	.....	148
Idaho	449	659	718	673	493	44	.....
Illinois	6,669	6,521	6,269	5,929	6,140	.....	529
Indiana	2,234	2,675	2,451	1,996	2,093	.....	141
Iowa	2,364	2,484	2,355	2,609	2,720	356	.....
Kansas	1,320	1,261	1,302	1,155	1,237	.....	83
Kentucky	1,261	1,317	1,364	1,372	1,448	187	.....
Louisiana	1,498	1,083	1,412	1,521	1,279	.....	219
Maine	1,158	1,232	1,191	1,251	1,233	75	.....
Maryland	2,006	2,207	2,008	1,942	1,969	.....	37
Massachusetts	5,739	5,669	5,566	5,569	5,571	.....	168
Michigan	3,031	2,783	2,612	2,667	2,512	.....	519
Minnesota	2,026	1,971	1,825	1,998	2,064	38	.....
Mississippi	1,140	1,153	1,300	1,262	1,195	55	.....
Missouri	3,078	2,759	2,337	2,253	2,010	.....	1,068
Montana	538	568	530	421	534	.....	4
Nebraska	1,588	1,439	1,464	1,401	1,374	.....	214
Nevada[c]	140	167	146	141	10	.....	130
New Hampshire	1,319	1,191	1,270	1,242	1,243	.....	76
New Jersey	4,651	4,532	4,618	4,386	4,493	.....	158
New Mexico	371	283	410	298	258	.....	113
New York	13,869	13,760	14,264	14,017	14,234	365	.....
North Carolina	1,850	1,832	1,799	1,867	1,989	139	.....
North Dakota	806	750	677	635	646	.....	160
Ohio	5,677	5,548	5,832	5,859	5,841	164	.....
Oklahoma	879	817	676	771	531	.....	348
Oregon	1,262	1,066	1,100	1,063	984	.....	278
Pennsylvania	9,068	9,728	9,820	9,884	9,888	820	.....
Rhode Island	1,025	1,047	1,035	1,066	1,050	25	.....
South Carolina	3,692	3,745	2,782	1,665	1,770	.....	1,922
South Dakota	1,335	1,215	846	757	639	.....	696
Tennessee	1,915	2,140	1,986	1,763	1,553	.....	362
Texas	3,266	3,080	2,601	2,151	2,169	.....	1,097
Utah	376	324	329	397	351	.....	25
Vermont	701	746	754	761	731	30	.....
Virginia	2,271	2,422	2,138	2,133	1,900	.....	371
Washington	822	871	773	738	682	.....	140
West Virginia	1,140	1,076	1,111	1,011	936	.....	204
Wisconsin	2,857	2,935	2,793	2,897	2,904	47	.....
Wyoming	360	333	312	353	356	.....	4
Total	116,547	115,110	111,057	105,693	105,213	.....	11,334

[a] Not including cadet companies.
[b] Not including Naval Battalion.
[c] The companies that composed the Organized Militia of the State were mustered out May 20, 1906.

It appears from the foregoing table that since the militia act of 1903 became operative there has been a decrease of almost 10 per cent in the total strength of the Organized Militia. That decrease is due, in part, to the disbandment or re-formation of organizations that were reported by inspecting officers to be inefficient.

Annual appropriation for the several States, etc., to the National Guard of each by their legislature, 1907.

[Unofficial.]

Alabama	$20,000	New Jersey	$191,259
Arizona	7,485	New Mexico	2,400
Arkansas	23,000	New York	960,000
California	178,500	North Carolina	13,000
Colorado	45,500	North Dakota	19,000
Connecticut	180,000	Ohio	303,900
District of Columbia	70,000	Oklahoma	9,800
Delaware	15,100	Oregon	45,000
Florida	32,900	Pennsylvania	435,000
Georgia	97,000	Rhode Island	62,750
Idaho	12,100	South Carolina	30,000
Illinois	429,417	Tennessee	20,000
Indiana	75,000	Texas	32,000
Iowa	100,000	Utah	23,700
Kansas	60,600	Vermont	27,000
Kentucky	20,000	Virginia	15,000
Louisiana	31,900	Washington	49,000
Maine	39,473	Wyoming	12,000
Maryland	70,000	West Virginia	45,750
Massachusetts	594,000	Wisconsin	140,000
Michigan	150,000	Hawaii	5,000
Minnesota	75,500	Indian Territory	None.
Mississippi	10,000	Alaska	None.
Missouri	50,000	Porto Rico	None.
Montana	6,800	Samoa	None.
Nebraska	47,000	South Dakota	15,540
Nevada	None.		
New Hampshire	38,665	Total	4,941,899

MINNESOTA NATIONAL GUARD ASSOCIATION,
St. Paul, January 4, 1908.

DEAR SIR: Referring to S. R. 14, a joint resolution extending the time allowed the organized Militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of an act approved January 21, 1903, which passed the Senate on December 17, 1907, and was received in the House on December 19 and referred to the Committee on Militia, it is of great importance to the States generally that this resolution receive immediate consideration. The time for conformity on the part of the States with the provisions of the Dick law will expire on January 21, 1908. While a number of States have already complied, and all are earnestly striving to comply with the provisions of that law, there remains quite a number of States that can not conform before January 21, 1908, either because their legislature is not in session to take appropriate action, or because they have been otherwise unable to fully bring themselves within the provisions of that act. Failure to comply would involve a forfeiture of their allotment of the Federal appropriation for the support of the Militia, a contingency which is not even desired by those States who have been fortunate enough to be able to comply. The Senate has passed the resolution by unanimous consent, and it is not anticipated that a dissenting vote will be found in the House.

Yours, sincerely,

GEO. C. LAMBERT.

Hon. HALVOR STEENERSON, M. C.,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 27.

TO ATTACH SHELBY COUNTY, TEX., TO BEAUMONT DIVISION OF EASTERN JUDICIAL DISTRICT OF STATE.

JANUARY 10, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HENRY, of Texas, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 6231.]

The Committee on the Judiciary has had under consideration the bill (H. R. 6231) to attach Shelby County in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, and report as follows:

The county of Shelby, in the eastern district of the State of Texas, is now attached to the court held at Tyler. It appears that the county of Shelby has direct railroad connection with the city of Beaumont and does not have direct railroad connection with the city of Tyler; that litigants, jurors, and persons who have to attend the district and circuit court from Shelby County are now required to go overland for a part of the way and travel over three different railroads to get to Tyler; that Beaumont is nearer to Shelby County than is Tyler, and that it is less expensive and requires less time to reach Beaumont than Tyler; that Shelby County in a financial and business way is more closely connected with Beaumont than it is with Tyler; that it is more economical and will be a saving to the Government in expense for Shelby County to be attached to the Beaumont division of said district; that the bar and the county and precinct officers of Shelby County have, by petition, asked that the said county be attached to the Beaumont division.

Therefore your committee reports this bill favorably and recommends that it do pass.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 28.

TO USE FOR RENT INCREASED PORTION OF FOREST SERVICE APPROPRIATION, 1908.

JANUARY 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SCOTT, from the Committee on Agriculture, submitted the following

REPORT.

[To accompany H. J. Res. 88.]

The Committee on Agriculture, having had under consideration House joint resolution No. 88, submit the following report:

The act approved March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, provides that not to exceed $40,000 of the amount appropriated for the use of the Bureau of Forestry may be used for rent. Since that act was passed approximately 25,000,000 acres have been added to the national forests, involving a considerable addition to the administrative force. Furthermore, the receipts from the forests growing out of their more extensive utilization have greatly increased, requiring the employment of a large number of additional clerks in the offices in Washington. It was made clear to your committee that the original sum of $40,000 appropriated for rent will not be sufficient to meet the requirements of the Bureau under the changed conditions, and your committee therefore report back the resolution with the recommendation that it be passed.

O

[Third indorsement.]

WAR DEPARTMENT, *December 31, 1907.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 31.

ARIZONA AND CALIFORNIA RAILWAY TO BRIDGE COLORADO RIVER.

JANUARY 10, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 10506.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10506) to bridge Colorado River, having considered the same, report thereon with title amended, and as amended recommend that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the title as follows:

Strike out all of title and substitute the following: "To authorize the Arizona and California Railway Company to bridge Colorado River."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 30, 1907.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 10506, Sixtieth Congress, first session, to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *December 31, 1907.*

Respectfully returned to the ch[illegible] Committee on Interstate and Foreign Commerce, House [illegible] attention to the foregoing report of the Chief of Engi[illegible] Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 33.

IMMIGRATION STATION AT PHILADELPHIA, PA.

JANUARY 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MOORE, of Pennsylvania, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 7694.]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station in the city of Philadelphia, Pa., have examined the same and recommend that it do pass.

The immigration station at Philadelphia and particularly the detention house are improper for the large service which is required of them at this busy port. Individual members of the Immigration Commission have expressed themselves as heartily in favor of a new station at this point and the erection of the building, and the same is recommended by the Commissioner-General of Immigration in his annual report for the fiscal year ending June 30, 1907, page 79.

O

One of the affidavits in the case is as follows:

STATE OF TENNESSEE, *County of Coffee:*

Before me, Jno. A. Harpole, a notary public, of Coffee County, Tenn., personally appeared William Hansen, with whom I am personally acquainted, and makes oath that he is the brother of Mathilde Sandgren; that he was 40 years old the 6th of last March; that he has been in this country a little over twenty years; that he lived in the same family with my said sister chiefly all the time before I left Denmark; she was a sensible, healthy girl, and grew to be a sensible, intelligent woman, and was so regarded by all who knew her; she had a difficulty of speech, arising from a defective palate, but her mind and body was sound. Since I came to this country I have seen the letters that she has written to the family; they were always the writing of an intelligent woman. I know her handwriting and have seen the two letters written by her since she was deported last February; they appear to be the writing of an intelligent woman. I am able and willing to take care of and support my sister, and have three brothers who are also. My father and mother are amply able to take care of her. I have one brother older than myself. We two are unmarried; however, we are naturalized citizens of America.

WILLIAM HANSEN.

Subscribed and sworn to before me the 27th day of August, 1907.

JNO. A. HARPOLE,
Notary Public.

(My commission expires October, 1910.)

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 92.

PRINTING, BINDING, AND DISTRIBUTION OF PUBLIC DOCUMENTS.

JANUARY 11, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Printing, submitted the following

REPORT.

[To accompany S. R. 1.]

The Committee on Printing, having had under consideration the joint resolution (S. R. 1), amending an act relative to the public printing and binding approved March 1, 1907, recommend that the resolution be amended as follows:

On page 2, line 14, after the word "number," insert the words "*And provided further*, That hearings of committees may be printed as Congressional documents only when specifically ordered by Congress or either House thereof," and that as so amended the resolution be passed.

O

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 170.

MISSOURI AND NORTH ARKANSAS RAILROAD TO BRIDGE WHITE RIVER AT OR NEAR NEGRO HILL LANDING, ARKANSAS.

JANUARY 14, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12439.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, having considered the same, report thereon with amendment and as amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

Amend the bill as follows:

Strike out all after the enacting clause and insert the following in lieu thereof:

That the Missouri and North Arkansas Railroad Company, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the White River at or near Negro Hill Landing, Arkansas, in township six north, range four west, at a point suitable to navigation interests, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 11, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 12439, 60th Cong., 1st sess.) to authorize the construction of a bridge across White River, Arkansas, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 13, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

WM. H. TAFT, *Secretary of War.*

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 171.

MISSOURI AND NORTH ARKANSAS RAILROAD TO BRIDGE CACHE RIVER IN WOODRUFF COUNTY, ARK.

JANUARY 14, 1908.—Ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12412.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12412) to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark., having considered the same, report thereon with amendment, and as amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and which are made a part of this report.

Amend the bill as follows:

In line 7 strike out the words "or near" and after the word "point" in the same line insert the words "suitable to the interests of navigation."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 11, 1908.

Respectfully returned to the Secretary of War with recommendation that the accompanying bill (H. R. 12412, 60th Cong., 1st sess.) to authorize the construction of a bridge across Cache River, Arkansas, be amended as indicated in red thereon.

As thus amended, I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 13, 1908.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army, and to the accompanying copy of bill referred to.

WM. H. TAFT,
Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 181.

EXTENSION OF TIME FOR PAYMENTS ON CERTAIN HOMESTEAD ENTRIES IN COMANCHE COUNTY, OKLA.

JANUARY 16, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MCGUIRE, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10577.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 10577) to extend certain payments on certain homestead entries in Comanche County, Okla., beg leave to submit the following report:

This bill affects two classes of entries which were made for lands commonly known as the Oklahoma pasture lands, which formerly belonged to the Kiowa-Comanche and Apache Indian Reservation. Under the act of June 5, 1906, approximately 396,139.88 acres were offered for sale under the sealed bid plan, and were scheduled in 2,531 tracts. Approximately 380,790.69 acres were awarded to the highest bidders for the total sum of $4,015,785.25, or an average of $10.54 per acre. The persons to whom these lands were awarded were required to make entry under the provisions of the homestead law, and at the time of entering pay one-fifth of the purchase price in cash and the balance in four equal annual installments. The first of these deferred payments will be due one year from the date of their entries, or during the spring of 1908, and if they fail to make their payments they lose and forfeit their first payment and also their entry is canceled.

The other class of land embraces what was formerly called pasture No. 3 and were sold at their appraised value to actual bona fide settlers on the land, but were sold on the same terms and conditions as that class of land described in the former class.

Under the provisions of the homestead law the settler has six months to settle. They settled during the summer and fall of 1907, too late to raise any crops of value last year. The rigid forfeiture clause in their contract will work a great hardship on the settler. The further urgent necessity for this measure is the fact that it is

sorely needed by the homesteader, and that many homes will be forfeited and good faith and honest endeavor will be trampled down if it do not pass.

The Indians to whom the money will ultimately go do not need it, and the money would not be paid to them now by the Department if it should be exacted of the settlers.

As a summary, the true result of this bill will be this: The citizens of the pasture who are home builders, home workers, and who are improving the bald prairies and converting them into happy homes will be rewarded and encouraged for their past energy and good faith in the upbuilding of a home, and the Indian citizen who is the real beneficiary will lose nothing, as he would not be permitted to receive the same now if it were exacted and forced from the settler.

The measure is full of justice and right at the expense of no one. It merely leaves the money in their hands one year more and gives them a chance to earn something from the land in which to pay for it. It holds their home intact through a very unusual and very extraordinary financial stringency when currency is practically unavailable.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 182.

DRAWBRIDGE OVER BLACK RIVER IN LAWRENCE COUNTY, ARK.

JANUARY 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 2694.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2694) to authorize the construction of a drawbridge over the Black River in Lawrence County, Ark., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 23, 1907.

1. Respectfully returned to the Secretary of War with recommendation that the accompanying bill, S. 2694, Sixtieth Congress, first session, entitled "A bill to authorize the construction of a drawbridge over the Black River in Lawrence County, Arkansas," be amended as indicated thereon.

2. If thus amended, the bill, in my opinion, will make ample provision for the protection of navigation interests, and I know of no objection to its passage by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 184.

ADDITIONAL PROTECTION FOR OWNERS OF PATENTS.

JANUARY 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HINSHAW, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 7653.]

The Committee on Patents, to whom was referred the bill (H. R. 7653) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, have considered the same, and recommend that the bill do pass with the following amendment:

In line 7, page 1, strike out the words "has been or," and insert the word "hereafter" after the word "shall."

A bill substantially the same as that now reported was passed by the Senate at the last Congress, and favorably reported to the House, but at too late a day in the session to receive consideration.

The object of the bill is to provide for owners of United States patents a remedy for the taking of their property by the United States for public use, when such taking occurs without the license or authority of such owners and without compensation.

In England and in practically all other civilized countries, except Russia and the United States, the Government can not appropriate an invention without paying a fair price for it. A regular tribunal is charged with the duty of determining what is a fair price for the use of an invention appropriated by the Government in case the Government considers the inventor's charge to be excessive. The United States habitually appropriates at its pleasure the patented inventions of its citizens and declines payment therefor. And this notwithstanding the fact that according to the decisions of the Supreme Court a patent of the United States is property within the meaning of the term as used in the Constitution and laws of the United States, and the use of a patented invention by the Government is a taking of private property, which can not be done lawfully without compensation to th [illegible] (Solomons *v.* United States, 137 U. S., 342, 346; McKeever [illegible] United States, 14 Ct. Cls., R., 396; Affirmed S. C. 18 Ct. Cls., R., 74[illegible]

But notwithstanding this right to protection which patentees and other property owners derive from Article V of the Amendments to the Constitution, it has been held by the Supreme Court that the owner of a patent can not restrain its infringement by the United States or an officer or agent of the Government. (Schillinger *v.* United States, 155 U. S., 163 (1894); Russell *v.* United States, 182 U. S., 516 (1900).)

In both of these cases the court held that in the absence of an express contract between the Government and the patentee, or transactions between them from which a contract may be implied, no court of the United States is vested with jurisdiction to entertain a suit or action by a patentee seeking to recover compensation for the use of his invention by the Government.

How next to impossible it would be to make a case of implied contract which would render the Government liable under the court's decision may be inferred from the following statement of the facts appearing in the Russell case just cited. It there appeared that at the Government's invitation Russell exhibited his patented invention to a board of officers appointed by the Secretary of War. The Government announced that it would adopt and use a device embodying his invention. Prior to the adoption and use of the device Russell communicated his patent to the War Department, showing that his patent covered the device and tendered the use of his invention to the Government for reasonable compensation. The Government proceeded to use the device without denying Russell's right to compensation, but with the remark that he should seek his remedy by some means other than Executive action. And the Russell case is only a sample case; one of many.

It seems to be necessary and proper to provide for patentees a remedy, such as the passage of this bill will secure, for the invasion of their rights. Without such remedy, patentees are the only persons who are outside the protection of Article V of the Amendments of the Constitution: "Nor shall private property be taken for public use without just compensation."

Without such remedy a patent is not what it purports to be on its face. Many inventors have spent years of their lives and practically bankrupted themselves in developing inventions primarily of use to the Government, only to find in the end, after their property has been seized by the Government that they have no legal means of redress, and that the governmental Departments will not recognize the decisions of the courts.

Without such remedy there is a ridiculous discrimination between inventors. The inventor of a children's game or of a new brand of chewing gum is protected by the courts. But the inventor of a device [illegible] save the nation from an humiliating defeat in time of war, [illegible] the cost of carrying the mails, or reduce the number of ship- [illegible] the coast, is afforded no protection; the governmental [illegible] have the power to confiscate his property and habitu- [illegible] that power. It may be a new type of breech mechanism, [illegible] lock, or a method of communicating with ships at sea, if the [illegible] is valuable the Government can and does seize it, though [illegible] may have spent years of his life and bankrupted himself [illegible] in developing it.

It may be conceded that the Government ought to have the right to appropriate any invention necessary or convenient for natural defense or for beneficent public use, and that, too, without previous arrangement or negotiation with the owner. Nevertheless, the appropriation having been made it would seem that justice to the citizen demands that in due time he should receive fair compensation for his property.

The claim is made by some that the Government, being the grantor of the patent, ought to have the right to use without compensation such inventions as are necessary for its purposes.

One answer to this is that there is no such limitation or reservation in the law governing the granting of patents; and another answer is that if that were the law there would be no time, brains, or money spent by anyone in inventing those things for which there would be no remuneration.

But it is useless to multiply reasons to justify the passage of the bill. The one fundamental reason already assigned is unanswerable—that no American citizen's property can be appropriated for public use by the Government or by anyone else without compensation being made therefor.

The amendment proposed, by striking out the words "has been or" and the use of the word "hereafter," in line 7, page 1, is deemed advisable, that there may be no question arising upon statutory construction that the law is not retroactive in its effect, but will apply only to future appropriations of patents by the Government.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 277.

FOR TERMS OF UNITED STATES DISTRICT AND CIRCUIT COURTS AT SALISBURY, N. C.

JANUARY 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 456.]

The Committee on the Judiciary, to which Senate bill 456 was referred, providing for holding United States district and circuit courts at Salisbury, N. C., recommend that the same be amended by striking out of said bill all after the word "Salisbury," in section 2, line 10, and, as so amended, recommend that the same do pass.

Salisbury is one of the oldest cities in North Carolina, and for a long time, about fifty years, was a seat of such a court. It is a large railroad center, the shops of the Southern Railway Company being located there, and a great deal of litigation arises in Rowan County, of which county Salisbury is the capital. The Government already has a Federal building in Salisbury. The judge of the district and the clerk are favorable to the establishment of this court. Its establishment will entail no extra cost to the Government, nor will it entail any extra fees.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 278.

CALL FOR STATEMENTS OF MONEYS EXPENDED DURING 1907 FOR DIPLOMATIC AND CONSULAR SERVICE, FOR ADMINISTRATION OF STATE DEPARTMENT, AND FOR UNITED STATES COURTS IN CHINA AND KOREA.

JANUARY 20, 1908.—Ordered to be printed.

Mr. WEEKS, from the Committee on Expenditures in the State Department, submitted the following

REPORT.

[To accompany H. Res. No. 133.]

The Committee on Expenditures in the State Department, to which was referred House resolution No. 133, report, recommending the adoption of the accompanying resolution without amendment.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 284.

NEW DIVISION OF NORTHERN JUDICIAL DISTRICT OF TEXAS WITH COURT AT AMARILLO.

JANUARY 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HENRY, of Texas, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 119.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 119) providing for and creating a new division of court of the northern judicial district of Texas, at Amarillo, Tex., beg leave to report:

The town of Amarillo is the county seat of Potter County, Tex., and is situated 334 miles from Fort Worth, Tex., and is the railroad center of the Panhandle of Texas, and near the center of the thirty-eight Panhandle counties out of which this bill proposes to create a new division of the northern judicial district of Texas. Said group of counties form a square, and all are tributary to the town of Amarillo (Amarillo being a railroad and trade center), and has a population of about 15,000 inhabitants.

The business of the Federal courts of these counties is fast increasing owing to the fact that they are being rapidly filled up by immigrants from other States.

The population of this part of Texas has more than doubled in the past ten years.

The great distance to Fort Worth (where all of said counties are now attached for judicial purposes) renders the expense to the Government in securing witnesses, serving processes, etc., very great, and it will save much trouble and expense to create this new division of said court at Amarillo, Tex.

This bill has the approval of the Attorney-General of the United States, and your committee is of the opinion that it should become a law, and therefore report it favorably and recommend its passage with the following amendments, to wit:

Strike out all after the word "Texas" in line 14, page 1, down to the end of section 2, and insert in lieu thereof the following, viz: "Beginning on the third Monday in April, and the fourth Monday in September of each year."

Amend section 3, page 2, by adding thereto after the word "hereof" the following: ", and that all persons who have committed offenses against the United States in any of the counties mentioned in this bill shall be prosecuted and tried as though this act had not been passed."

Strike out the title and insert in lieu thereof the following, viz: "A bill to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Texas, and for a clerk of said court, and for other purposes."

The bill when amended as above provided will read as follows, viz:

A BILL To create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Texas, and for a clerk for said court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Oldham, Deaf Smith, Castro, and Lamb shall constitute a division of the northern judicial district of Texas.

SEC. 2. That the terms of the circuit and district courts of the United States for the said northern district of Texas shall be held twice each year at the city of Amarillo, in Potter County, Texas, beginning on the third Monday in April and the fourth Monday in September of each year.

SEC. 3. That all civil process issued against persons resident in the said counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Oldham Deaf Smith, Castro, and Lamb, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Amarillo, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Amarillo: *Provided*, That no process issued or prosecutions commenced or suits instituted before the passage of this Act shall be in any way affected by the provisions hereof, and that all persons who have committed offenses against the United States in any of the counties mentioned in this bill shall be prosecuted and tried as though this Act had not been passed.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Amarillo, which shall be kept open at all times for the transaction of the business of said division.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 285.

CALL FOR INFORMATION RELATIVE TO LABOR TROUBLES AT GOLDFIELD, NEV.

JANUARY 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GARDNER, of New Jersey, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. Res. No. 150.]

The Committee on Labor, to whom was referred House resolution No. 150, requesting information in relation to the labor troubles at Goldfield, Nev., beg leave to submit the following report, and recommend that said resolution do pass, with amendments, as follows:

Amend by adding after the word "Representatives," in line 2, the following: "if not incompatible with the interest of the public service," and omit the word "with" and comma after the word "report" in the same line; in line 3 omit the words "exhibits, heretofore;" and "within the last few days" in line 8, after the word "same," add the following: "and also, such other papers relating thereto as in his judgment are material and for the better information of the House."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 286.

ISSUANCE OF BONDS BY MOHAVE COUNTY, ARIZ., FOR ERECTION OF COURT-HOUSE AND JAIL.

JANUARY 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 3966.]

The Committee on the Territories, having had House bill 3966 under consideration, report the same and recommend its passage.

The bill simply ratifies two acts of the legislative assembly of Arizona (set forth in the bill), which acts provide, under proper restrictions, for issuance of bonds of Mohave County, Ariz., for the erection of a court-house and jail in said county. For the erection of a court-house and jail the sum of $30,000 is provided for.

Your committee finds that such a court-house and jail are badly needed in said county, and that without the passage of this bill no relief in that particular can be had by the people on account of the limitations contained in the Harrison Act.

The records of the county have no safe place and are daily in danger of being destroyed by fire. Their reproduction, if in fact they could ever be reproduced, would cost nearly as much as the sum authorized by this bill.

The committee recommends the passage of the bill.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 314.

ELMORE COUNTY, ALA., TO BRIDGE COOSA RIVER.

JANUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13102.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 16, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 13102, Sixtieth Congress, first session, to authorize the construction of a bridge across Coosa River in the State of Alabama, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 17, 1908.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

WM. H. TAFT,
Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 316.

REPEALING TIME LIMIT FOR PRESENTING CLAIMS FOR ADDITIONAL BOUNTIES.

JANUARY 21, 1908.—Ordered to be printed.

Mr. WALDO, from the Committee on War Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 517.]

The Committee on War Claims, to whom was referred the bill (H. R. 517) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, submit the following report:

The bill, to quote its language, is as follows:

That the provisions of an act of Congress approved July thirteenth, eighteen hundred and seventy, "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, shall be, and the same are hereby, repealed so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July twenty-eighth, eighteen hundred and sixty-six, and that such claims shall be considered by the proper accounting officers of the Treasury in the same manner as other claims for arrears of pay and bounty are considered: *Provided*, That this act shall not be construed to reopen any settlement already made by the said accounting officers, except to allow additional bounties under the twelfth and thirteenth sections of the act of July twenty-eighth, eighteen hundred and sixty-six, which have been denied upon the ground that payment thereof was barred by limitation of the statute.

This bill was referred by this committee to the Secretary of the Treasury on January 14 for examination and report. On January 18 the following report was made:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 18, 1908.

SIR: In reply to your reference of the 14th instant, of H. R. 517, repealing an act entitled "An act to extend the time for presenting claims for additional bounties," etc., for examination of this Department, I have to inclose herewith for your information copy of a report thereon by the Auditor for the War Department, of the 17th instant.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

Hon. KITTREDGE HASKINS,
Chairman Committee on War Claims, House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR WAR DEPARTMENT,
Washington, January 17, 1908.

SIR: Having reference to your indorsement of the 15th instant on the request of the chairman of the House Committee on War Claims for report and recommendation on House bill No. 517, I have the honor to report as follows:

This bill proposes to repeal the act of July 13, 1870, and amendments so far as they limit the time for presenting claims for the additional bounty authorized by the act of July 28, 1866.

The Court of Claims in a number of decisions has held that when Congress makes an appropriation for the payment of a certain class of claims already barred by the statute of limitations such claims are thereby revived and an intent is implied of a new promise to pay founded on the old consideration. (Simon *v.* U. S., 19 Ct. Cls., 601; Sowle *v.* U. S., 38 id., 525; Calm *v.* U. S., 39 id., 55.)

The act of Congress approved March 4, 1907 (34 Stat., L., 1356), is worded, in part, as follows:

"Back pay and bounty: For payment of amounts for arrears of pay of two and three year volunteers; for bounty to volunteers and their widows and legal heirs; for bounty under the act of July twenty-eighth, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and eight, two hundred thousand dollars: *Provided*, That in all cases hereafter so certified the said accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court, or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors."

Under the provisions of this act and the decisions above referred to, claims for the additional bounty under the act of July 28, 1866, are now being allowed without reference either to the date of filing or to former settlements. It would, therefore, seem that the object of the bill in question has already been accomplished by the provisions of the act of March 4, 1907, above quoted.

Copy of the bill and indorsements are herewith returned.

Respectfully,

B. F. HARPER, *Auditor.*

The SECRETARY OF THE TREASURY.

Your committee in view of the foregoing statement of facts report adversely and recommend that the bill do lie upon the table.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 321.

URGENT DEFICIENCY APPROPRIATION BILL.

JANUARY 22, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAWNEY, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 14766.]

In presenting the bill making appropriations to supply urgent deficiencies in the appropriations for the fiscal year 1908, and for prior years, the Committee on Appropriations submit the following report in explanation thereof:

The bill is based chiefly on the urgent deficiency estimates submitted in House Document No. 458, and on other deficiency estimates submitted to the committee in House Documents Nos. 35, 36, 211, 215, 345, 354, 356, 373, 432, 477, 481, 482, 495, 496, 500, 506, 507, 508, 518, 519, 520, and 522, and otherwise, aggregating in all $24,959,355.55.

The amount recommended in this bill is $24,074,450.26, distributed as follows:

Treasury Department	$1,688,331.02
District of Columbia	304,184.07
Military establishment	3,980,875.76
Military Academy	2,518.61
Armories and arsenals	4,050.00
Soldiers' Homes	6,300.00
Soldiers' Homes, State and Territorial	18,519.27
Back pay and bounty claims	300,000.00
Navy Department	
Naval establishment	1,611,790.00
Department of the Interior	344,647.69
Department of Commerce and Labor	553,900.00
Department of Justice	2,163.41
Judicial	7,350.00
United States courts	904,039.24
Post-Office Department	1,413.20
Postal Service	1,605,851.91
Isthmian Canal	12,178,900.00
House of Representatives	78,528.50
Library of Congress	1,500.00
Judgments, Court of Claims	187,569.35
Section 2. Audited accounts	292,018.23
Total	24,074,450.26

The amount recommended as above is $884,905.29 less than the total sum of estimates presented to and considered by the committee.

LIMITATIONS.

The following limitations not heretofore imposed are recommended:

On page 8:

The Secretary of the Treasury is hereby directed to withhold payment of the sum of ten thousand dollars appropriated by the Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, for the purchase of the manuscript of a new edition of "Charters, Constitutions, and Organic Laws," pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated ten thousand dollars.

On page 12:

And the Commissioners of the District of Columbia are hereby authorized to amend the regulations controlling motor vehicles so as to provide that for such identification tag and registration thereof the owner of each motor vehicle shall pay the sum of two dollars, and the secretary of the automobile board shall, after the payment of said fee to the collector of taxes, District of Columbia, issue to said owner the identification number tag.

On page 13:

And the time within which this bridge [Anacostia, in the District of Columbia] shall be completed is hereby extended to January first, nineteen hundred and nine.

On page 13:

That appropriations heretofore made for the construction of sewers [in the District of Columbia] shall be available for the purchase or condemnation of such rights of way as may be required.

On page 33:

All expenses that may be incurred in the approaching trial of the case of The United States against Hyde, Dimond, Benson, and Schneider, in the District of Columbia, shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

On page 42:

Appropriations made for the construction of the Isthmian Canal in the sundry civil appropriation Act approved March fourth, nineteen hundred and seven, and in this Act shall continue available until expended.

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same is hereby, transferred to and made a part of the northern judicial district of the State of Florida for judicial and all other purposes whatsoever.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 3. That this act shall take effect from and after its passage and approval by the President, or upon its becoming a law without such approval.

SEC. 4. That all causes, civil and criminal, which arose in said county of Alachua, and which are now pending in the courts of said southern judicial district of Florida, shall remain and be disposed of in said courts as though this act had not been passed.

[H. R. 10461.]

A BILL To provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act there shall be held at the city of Gainesville, in the northern judicial district of Florida, terms of both the circuit and district courts for said district on the first Monday in May and on the first Monday in December of each year.

Alachua County is now in the southern judicial district and is on the northern boundary of that district. In the southern district there are thirty counties and six places for holding court. The northern district is at present composed of sixteen counties and there are two places within the district for holding court. The transfer of Alachua County helps to equalize the territory in the two districts and will also make a more equitable division of the business done. The United States courts of the southern district have a much greater amount of business than have those of the northern district. Gainesville is the county seat of Alachua County and has at the present time about 8,000 population.

The location of a court at that place will make three places in the northern district for the sitting of the Federal courts.

This bill provides that the Government of the United States shall be to no expense in furnishing or equipping a building for holding court until such time as it shall provide a Government building for that purpose.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 324.

EMPOWERING TUCSON, ARIZ., TO ISSUE BONDS FOR EXTENSION OF WATERWORKS, ETC.

JANUARY 22, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 14638.]

The Committee on the Territories, to which was referred the bill (H. R. 14638) empowering the city of Tucson, Ariz., to issue bonds for the extension and repair of the city waterworks, and for other purposes, have had the same under consideration and report the same to the House with the recommendation that it pass.

Tucson is the principal commercial city of Arizona, having now a population of more than 20,000. In 1900 the population by the census was shown to be less than 7,000. Property values have increased at the same ratio. Only 15 per cent of the city's present area is now covered by fire protection. Insurance outside the protected area is from 30 to 50 per cent higher than within it.

Water mains now installed, 14 miles; water mains necessary, 36 miles. Sewage pipes necessary for the city is 55 miles, while only 8 miles are now installed. Sewage could not be extended for lack of water, which this bill among other things is intended to provide. The city owns its own waterworks, for which it has paid in purchase and repair the sum of $228,000, and the receipts from the sale of water has more than paid the interest on the bonds exchanged on the purchase of the waterworks.

The bill provides that of the bonds issued $260,000 shall be used in the extension and repair and improvement of the waterworks system, $25,000 for fire-department purposes, and $15,000 for erection of a city hall of which the large and rapidly growing city stands sorely in need.

On examination of the wealth and resources, as well as the necessity of the city, your committee finds that the bonds to be sold under the act will be a very light burden on the people, as the city is the owner

of the waterworks, and the money to be expended for the improvement of their own property. It is of the utmost importance to the city that this legislation should pass speedily as the bonds have been sold and the contractors are ready to commence the work of extending and improving the water system, and it is essential that work commence at the earliest possible date, so that it can be completed before the rainy season sets in which would greatly retard the completion of the work.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 325.

TO CONTINUE ACT FOR MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

JANUARY 22, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WILEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 104.]

The Committee on Military Affairs, to whom was referred the resolution (H. J. Res. 104) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," report the same back to the House with the recommendation that it do pass.

This act will expire by operation of law on the 9th day of March, 1908. It appears that considerable work has been done in the way of marking the graves of Confederate soldiers and sailors who died in Northern prisons and are buried near the places where they died during the civil war, but it is estimated that it will require at least two years longer time in which to effectuate the beneficent purpose contemplated by the original act.

The committee, therefore, unanimously recommend that the act be continued in full force and effect for two years from the date of the adoption of said resolution 104.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 353.

WIDENING OF TWENTIETH STREET NW., DISTRICT OF COLUMBIA.

JANUARY 23, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MURPHY, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 12678.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 2, line 12, strike out the comma, and the words "one half" after the word "appropriated."

Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one half."

Page 2, strike out all of line 14.

Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The purpose of the proposed legislation is to widen a portion of Twentieth street NW., and involves the taking of a portion of a lot that now abuts into the highway a distance of 40 feet into Park road and 52 feet into Twentieth street.

As this improvement is considered to be of advantage mainly to that immediate section of the District, provision has been made in the provisos at the end of section 1 so that the property benefited will be assessed to cover the amount awarded as damages for land taken, as well as for the costs and expenses of the condemnation proceedings, which entire amount will be returned to the District revenue, as it will be assessed as benefits, and the District of Columbia will ultimately bear no portion of the expense of the improvement. Under the terms of the proposed legislation the United States Government is not charged with any portion of the costs for the extension of this street. The amendments recommended by your committee make the measure

as reported in the regular form and in harmony with sections 491a and 2481m of the Code of Law for the District of Columbia, these sections regulating proceedings for the condemnation of lands for streets.

This measure was drafted by the Commissioners of the District of Columbia, and introduced at their request, as will be seen by the following communication on the subject explaining the desirability and the necessity for the improvement:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 6, 1908.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith draft of a bill to provide for the condemnation of a small piece of land to enable Park road and Twentieth street to be connected, and to recommend its enactment.

Park road and Twentieth street are the present natural entrances to Rock Creek Park from the east side, and, as shown on the plat forwarded herewith, a small piece of private property abuts into the highway a distance of 40 feet into Park road and 52 feet into Twentieth street, occupying practically half of the roadway width. The bill is drawn to provide for the condemnation of this small piece of land at an estimated cost of about $3,000. It is believed that the benefit is sufficiently local to justify total assessment, which is provided in the bill. The bill is in the usual form of street-extension measures, except that it contains a proviso at the close of the first section which is believed necessary as a direction to the court to instruct the jury that the entire cost shall be returned by them in assessments.

Section 2 differs slightly from the closing section of former bills in consolidating the appropriation for the expenses of the jury with the appropriation for payment of awards, which is believed to accomplish the same results without making it necessary for the auditing office in the Treasury Department to carry separate accounts for the two appropriations.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

HON. S. W. SMITH,
Chairman of Committee on the District of Columbia, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 354.

TEMPORARY STREET RAILWAY CONNECTION WITH UNION STATION, DISTRICT OF COLUMBIA.

JANUARY 23, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SIMS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 10446.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10446) to provide for temporary street railway connection with the Union Railroad Station, District of Columbia, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 1, line 5, strike out the word "required," and insert in lieu thereof the word "directed."

The purpose of the proposed legislation is to authorize and require the construction of an overhead trolley system, by the Capital Traction Company and the Washington Railway and Electric Company, from the intersection of the existing tracks of these two companies at North Capitol and C streets to the Union Station, and thus provide temporary street-railway service and to relieve the present unsatisfactory conditions.

Section 1 of the bill herewith reported provides for the construction above referred to and requires that the same shall be completed and the temporary service be in operation within sixty days from the approval of this act. This section is identical with section 11 of S. 902, which passed the Senate on January 20 and which is a comprehensive measure covering the permanent rearrangement of existing lines of street railway and the construction of new lines necessary to give to the people of the District access to the Union Station. S. 902 is now under consideration by this committee, but its consideration and final enactment into law may be delayed, and your committee believes it wise to enact legislation that will permit the construction at once of the temporary tracks provided in the bill herewith reported. This temporary construction will not in any way interfere with the

permanent construction when authorized by Congress, as it is not contemplated that North Capitol street shall be occupied by the permanent tracks.

Section 2 of the reported bill provides that both traction systems shall transfer their passengers, without extra charge, to the temporary line authorized on North Capitol street.

This measure has the approval of the Commissioners of the District of Columbia as a temporary expediency, as will be seen by the following paragraphs taken from their letter to the chairman of this committee accompanying draft of the bill prepared by them to cover the entire rearrangement of tracks of street-railway companies in the District to give access to the Union Station:

Section 14 provides for a temporary overhead trolley installation to be installed at once jointly by the two traction companies and to be maintained and operated by them until after the permanent installation shall have been completed. The location of this is specified to run from the intersection of North Capitol and C streets to the Union Station, on plans to be approved by the Commissioners of the District.

The Commissioners have the honor further to request that should it appear that an organized opposition is tending to delay the passage of this act, or one looking to the same end, that it is their belief that section 14 of this act should be taken bodily from the act and passed, either in the shape of a separate act or a joint resolution, so that the public may at the very earliest date have relief from the present intolerable conditions.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 355.

EXTENSION OF KENYON AND SEVENTEENTH STREETS NW., DISTRICT OF COLUMBIA.

JANUARY 23, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 11767.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11767) "to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes," report the same back to the House with the recommendation that it do pass when amended as follows:

Page 2, line 10, strike out the comma and the word "one-half."

Page 2, line 11, strike out the word "from" and insert in lieu thereof the words "out of."

Page 2, line 11, strike out the words "and one-half."

Page 2, strike out all of line 12.

Page 2, line 18, strike out all after the word "Columbia," and insert a period in lieu thereof.

Congress at its last session passed two separate acts providing for the extension of the two streets embraced in this measure. This bill was drafted by the Commissioners of the District of Columbia and was introduced at their request to repeal said acts and to include in one act the extension of the two streets mentioned, such action being rendered necessary for the reasons fully set forth in the following letter of the Commissioners:

EXECUTIVE OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 2, 1908.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith draft of a bill to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and of Seventeenth street from Kenyon to Irving street, and to recommend its enactment, together with the repeal of public acts Nos. 25 and 28 of 1907, which were passed for a similar purpose.

A plat is inclosed showing in green the land proposed to be condemned, the estimated cost of which is about $35,000, about equally divided between the two streets.

The object of the extension of Seventeenth street is to prevent the bottling up of the streets in the subdivision known as Ingleside, by providing an outlet along the lines of Seventeenth street and Irving street. It is probable that if this extension is not made in the near future the land along the lines of the proposed street will be built upon and at some future date the buildings would have to be condemned as well as the land.

The extension of Kenyon street is provided along the lines most favorably located to accommodate the present subdivision of property, and not in a direct extension of present Kenyon street. The width of the proposed extension is reduced to 80 feet, in order to take up but a single lot, No. 802, in square 2596, a greater width not being necessary for such a short extension, and as an extension along a line of greater width would make the proceeding considerably more expensive.

The Commissioners believe that both extensions are very desirable local improvements and that the entire amount found as damages, together with the expenses of the proceeding, should be assessed by the jury as benefits on surrounding and abutting property, and this is provided for in the bill.

Two bills providing for these extensions were introduced at the last session of Congress, were reported upon favorably by the Commissioners, and enacted. It was discovered after the passage of the bills that the extensions overlapped, in that both provided for the condemnation of a small, triangular tract at the intersection of the two streets. For this reason it was deemed advisable to carry on the condemnation proceedings provided for in the two acts simultaneously, but, through an inadvertence, but a single petition was filed in the court by the Commissioners, for Kenyon street, within the time limited in the acts, and the authority of the Commissioners to consummate the proceedings in the case of Kenyon street still continues, but the time within which they could file a petition for the condemnation of land for the extension of Seventeenth street has lapsed by the expiration of the statutory limit.

The Commissioners believe it advisable to reenact laws for both extensions and include them in the same measure, and therefore recommend the enactment of the bill inclosed, which contains a paragraph repealing the two measures passed at the last session of Congress.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 358.

OPENING OF JEFFERSON AND FIFTH STREETS NW.

JANUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FOSTER, of Indiana, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 11776.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 2, line 18, strike out the comma and the word "one-half."

Page 2, line 19, strike out the word "from" and insert in lieu thereof the words "out of;" and also strike out the words "and one-half."

Page 2, lines 20 and 21, strike out the words "from any moneys in the Treasury not otherwise appropriated;" and also strike out the comma.

Page 3, lines 2 and 3, strike out the words "and the United States in equal parts."

The purpose of the proposed legislation is the condemnation of a parcel of land to complete the intersection of Jefferson and Fifth streets, since application has been made to the Commissioners of the District of Columbia for furnishing sewer facilities, and no assessment for sewers can be made in other than public space.

The provisions of the proposed legislation, as will be seen by reference to section 2, are such as to require the jury to assess as benefits the total amount found to be due and awarded as damages, including the costs and expenses of the condemnation proceedings. No expense will be incurred by the United States, and no ultimate expense by the District of Columbia.

This measure was drafted by the Commissioners of the District of Columbia and introduced at their request, as will be seen by the

following communication on the subject, explaining more fully the desirability and necessity for the improvement:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 23, 1907.

DEAR SIR: The Commissioners of the District of Columbia have the honor to submit a draft of bill to provide for the opening of Jefferson and Fifth streets northwest, in Brightwood Park subdivision, with request for its enactment.

A blueprint is inclosed showing, in green, the ground necessary to be condemned, the value of which is estimated at $1,000. Application has been made to the Commissioners for furnishing sewer facilities for property abutting the proposed extension, and before a sewer can be laid it will be necessary to condemn the land in question so as to make it a portion of the public highway system, as no assessment can be levied for sewers laid in other than public space. The opening is necessary for this reason, and also as it is highly desirable to complete the connection of the two streets in question, which can be done by condemning a small amount of ground, shown on the plat. Both streets are about on grade, so that no expense would be involved for this purpose.

The draft of bill inclosed provides for condemning the land under the general street-extension law, but specifically provides that the entire amount awarded as damages, together with the expenses of condemnation proceedings, shall be assessed by the jury on abutting and adjacent property, which will be benefited.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 359.

BRIDGE ACROSS GRAND CALUMET RIVER.

JANUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13430.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 18, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 13430, Sixtieth Congress, first session, to authorize the construction of a bridge across Grand Calumet River, Indiana, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 20, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 360.

BRIDGE ACROSS MERRIMAC RIVER.

JANUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14032.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14032) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, having considered the same, report thereon with amendments and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Vesper Country Club, a corporation organized under the laws of the State of Massachusetts, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Merrimac River at Tyngs Island, in the State of Massachusetts, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title to read as follows: "To authorize the Vesper Country Club to construct a bridge across the Merrimac River at Tyngs Island, Massachusetts."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 20, 1908.

Respectfully returned to the Secretary of War, with recommendation that the accompanying bill, H. R. 14032, Sixtieth Congress, first session, to authorize the construction of a bridge across Merrimac River, be amended as indicated in red thereon.

As thus amended, I know of no objection to the favorable consideration of the bill by Congress so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 21, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army, and to copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 361.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

JANUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14040.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14040) to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

Page 1, line 3, strike out the word "said" and strike out the words "and her citizens aforesaid" in the same line.

In line 4, page 1, strike out the words "they are" and insert in lieu thereof the words "it is."

Amend the title of the bill as follows:

In lines 1 and 2 strike out the words "and her citizens, to wit: S. R. Bulloch, Z. T. Hedges, and others."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 20, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 14040, Sixtieth Congress, first session, to authorize the construction of a bridge across Bayou Bartholomew, Arkansas, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 22, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 362.

WILLIAM WILMOT WHITE.

JANUARY 24, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BUTLER, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 4763.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4763) transferring William Wilmot White from the retired to the active list of the Navy, adopt the report made by the committee on H. R. 25179, Fifty-ninth Congress, second session, which is herewith submitted and made part of this report, and recommend that the bill do pass.

[House Report No. 8076, Fifty-ninth Congress, second session.]

This officer took advantage of the provisions of the personnel act of 1899, which allows the President to retire each year such a number of officers as is necessary to make a certain flow of promotions in each grade. Such officers are allowed to retire voluntarily and with the rank and three-fourths the pay of the next higher grade. Mr. White volunteered to retire July 1, 1905, having in view entering a business career, and feeling he was young enough to begin same and was therefore willing to sacrifice his future prospects in the service and help the promotion of those junior to him. Since his retirement, he has been kept continuously on duty on account of the scarcity of officers, and has thereby lost such chance of entering into business for himself as was then open. The position he now finds himself in is doing the shore duty of the grade he retired from. He, therefore, considers it but just that he should be restored to the active list. As the bill is worded, he will be an extra number in all grades he may hereafter reach, so will not retard the promotion of anyone below him. The bill puts him on the active list in exactly the same position that he was in when he retired, also in the grade from which he retired and for which he passed all necessary examinations.

This measure involves no increase in pay nor any back pay.

A precedent for this has been established in the case of Lieut. Commander James H. Oliver, who retired at the same time and was restored to the active list June 30, 1906. (See Public, No. 376.)

The arguments in favor of this measure may be summed up as follows:

1. On account of the scarcity of officers, this officer has been kept continuously on duty since his retirement, doing the regular duty that he would probably have done had he remained on the active list. He has thereby lost the chance of entering into business for himself, without any chance of promotion or increase in pay; which treatment, though possible under the law, constitutes, if not an injustice, certainly a hardship to him.

2. His restoration to the active list in the position he regularly held will give him no undue promotion, as he will still be in the grade he retired from, and for which he had passed all necessary examinations, and the duties of which he has been doing continuously since retirement.

3. His restoration to the active list will make one more available officer, and thereby relieve the well-known scarcity of officers to that extent.

4. He will not in any way interfere with the promotion of any officers, being an additional number in all grades that he may hereafter hold.

5. His case will not establish a precedent, as Lieut. Commander J. H. Oliver, who retired at the same time and under the same conditions, was put back in his original position on the active list on June 30, 1906. (See Public, No. 376.)

Under the provisions of the Navy personnel act he will probably be kept on active duty until 1912. He will then be 52 years old, and instead of the Government receiving his active services for the next ten years, during which time he would, if this bill passes, be on the active list, the Government will lose these services, providing there is not a war or other emergency. His retired pay as a commander will be $3,000 a year, or for the ten years he would receive $30,000, giving no services therefor. If he is kept on the active list, the Government will receive the benefit of his services with only this difference in cost, that of active pay of the grade in which he may be serving and $3,000, the retired pay of a commander.

Commander White is one of the ablest and most thoroughly trained officers of the Navy, and the Government should have the advantage of the skill and ability which his performances show him to possess. The committee recommends the amendment to the bill proposed by the Department making the transfer of Commander White to the active list dependent upon his passing a physical examination.

NAVY DEPARTMENT,
Washington, January 23, 1907.

SIR: I have the honor to transmit herewith the information requested by you from the Office of Naval Intelligence.

Very respectfully,

V. H. METCALF,
Secretary.

Hon. THOMAS S. BUTLER, M. C.,
No. 1345 Vermont avenue, Washington, D. C.

NAVY DEPARTMENT,
Washington, February 12, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, requesting the views and recommendations of the Department on the bill (H. R. 25179) transferring Commander William Wilmot White from the retired to the active list of the Navy.

The Bureaus of Steam Engineering and Navigation, to which the papers were referred, report upon this measure as follows:

The Bureau of Steam Engineering:

"The Bureau earnestly recommends that the inclosed bill receive the favorable consideration of the Department.

"Commander White (retired) is one of the officers of the late Engineer Corps of the Navy.

"As these officers are fast disappearing from the list, the Bureau feels that in the near future it will be embarrassed for lack of officers with sufficient experience to do the work of design and inspection of new vessels, as well as the necessary work on shore at navy-yards. As this officer's record is most excellent and his professional ability well recognized, also as he is an active worker and comparatively young for his place on the list, it is believed that it will be advantageous to the naval service to retain his services as long as possible.

"Further, this officer accepted the provisions of the naval personnel act with the idea of engaging in private business. Since his retirement he has been kept continuously on duty, owing to the scarcity of officers in the service, and thereby has lost such opportunity as he may have had for entering into private business, so it seems but just to him that he should be restored to his former position in the service.

"It should also be noted that the bill as worded makes this officer an extra number in any grade he may hereafter occupy, which prevents his retarding the promotion of any officers junior to him."

The Bureau of Navigation:

"The position to which the inclosed bill proposes to appoint Commander William W. White, U. S. Navy, retired, is his original position on the navy list.

"Commander White was transferred to the retired list from June 30, 1905, on his own application, in accordance with the provisions of section 8 of the navy personnel act, approved March 3, 1899. He is one of the several officers who applied for voluntary retirement on the date given, and the fact that he was placed upon the retired list operated to prevent the retirement of at least one officer who would otherwise have availed himself of that privilege.

"The Bureau disapproves of an officer being transferred back and forth from the active to the retired list of the Navy, as such action is not conducive to the best interests of the service. There are a great number of officers on the retired list of the Navy who would undoubtedly be glad to have the privilege of returning to their original positions on the active list, and the Bureau believes to establish a precedent for such action will have disastrous effect.

"While Commander White has been actively employed since the date of his retirement, such employment has not, to the knowledge of this Bureau, been against his wishes.

"Attention is invited to the fact that the inclosed bill does not provide for an examination of Commander White, and it is not known whether or not he is physically qualified for appointment to the active list of the Navy.

"The Bureau recommends the Department's disapproval of the proposed legislation."

Concurring generally in the views of the Bureau of Navigation, as above set forth, the Department does not commend this measure to favorable consideration. If, however, favorable action be taken thereon, it is suggested that the bill be so amended as to make the transfer of Commander White to the active list dependent upon his passing a physical examination.

Very respectfully, V. H. METCALF, *Secretary*.

Hon. GEO. EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 365.

DEPUTY CLERK AT BIG STONE GAP, VIRGINIA.

JANUARY 24. 1908,—Referred to the House Calendar and ordered to be printed.

Mr. BRANTLEY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 14282.]

The Committee on the Judiciary, to whom the above-entitled bill was referred, having considered the same report the bill favorably, with an amendment, by adding to the bill after line 4, on page 2, the following:

And that portion of the said Act fourteen hundred and twenty-one, authorizing the appointment of the deputy clerk at Big Stone Gap, Virginia, by the clerk at Lynchburg, be, and the same is hereby, repealed.

As amended your committee recommends the bill do pass.

The committee in support of the foregoing report would state that this change in law and the appointment of the said deputy clerk at Big Stone Gap, Va., is asked for by the presiding judge, Judge McDowell, of the United States court, and is also asked by the clerk of the court at Lynchburg and the clerk at Abingdon, Va., for the reason that it will save time and expense, the clerk at Abingdon, Va., living within 85 miles of Big Stone Gap court and the clerk at Lynchburg, Va., living perhaps 285 miles or more.

This bill incurs no expense to the Government, and it seems is in the interest of all parties concerned, and in the judgment of your committee should be passed.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 366.

AMENDING ACT RELATING TO METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

JANUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR, of Ohio, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 2872.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 2, strike out the period after the word "at" in line 3, and insert the colon, and add the following:

Provided, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement.

Your committee adopts as a part of this report a portion of the report made on this measure in the Senate, as follows:

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, whose reasons for recommending its enactment are set forth in the following communication:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 16, 1907.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill to amend 'An Act to amend section four of an act entitled "An act relating to the Metropolitan police of the District of Columbia,"' approved February twenty-eighth, nineteen hundred and one," and to recommend its early enactment.

At present there are four ex-members of the fire department who have been retired on pension who are entitled by rank, length of service, and the character of service rendered to the benefits offered by the act of March 1, 1905, to those officers of the fire department mentioned therein, and they were omitted from the provisions of that act through inadvertence. Two of these proposed beneficiaries are over 70 years of age; both of the others are over 50, and all have been incapacitated by disabilities incurred in the line of duty as members of the fire department.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Senate Committee on the District of Columbia.

The four ex-members of the fire department whom this legislation will affect, their ranks and salaries at the time of retirement, their retired pay at present, and their retired pay as it will be under the benefits of the proposed legislation, are as follows:

First. W. O. Drew, fire marshal; salary at retirement, $1,000; retired January 23, 1902, at the age of 73 years, now 79 years of age; retirement pension, $50 per month; will receive under the benefits of this legislation $75 per month.

Second. W. T. Sorrell, assistant chief; salary at retirement, $1,200; retired April 1, 1903, at 68 years of age, now 73 years of age; retired pension, $50 per month; will receive under the benefits of this legislation $75 per month.

Third. C. S. Boss, foreman; salary at retirement, $1,000; retired December 31, 1901, on account of disability, at 49 years of age, now 56 years of age; retirement pension, $50 per month; will receive under the benefits of this legislation $65 per month.

Fourth. W. E. Robertson, foreman; salary at retirement, $1,000; retired September 1, 1899, on account of disability, at age of 36 years, now 44 years of age; retired pension, $50 per month; will receive under the benefits of this legislation $65 per month.

The amendment adopted by your committee is self-explanatory and is in line with the practice in Chicago, Baltimore, Boston, Philadelphia, New York City, Milwaukee, Pittsburg, and other cities throughout the country having even a less population than Washington.

The present chief engineer, William T. Belt, has been in the fire-department service in the District of Columbia for a period of forty-five years, having begun his career as a private and reached his present position by promotion by reason of faithful attention to his duties. For all this long period of service he has an enviable record, never having had a charge of any character preferred against him, and being held in affectionate regard by the citizens of the District, the press, and the subordinates in the entire fire department, all of whom will regard the recognition contemplated in the amendment as highly deserved.

The fund out of which the pensions are paid is derived by contributions of $1 per month by each member of the police and fire departments, and any deficit there may be is made up from receipts for dog licenses and fines in the police court, so that the District of Columbia and the United States do not contribute any portion of the funds for this purpose.

Under existing law, the chief engineer of the fire department can receive but $100 per month when retired. His salary at the present time is $3,500 per annum, and he would receive one-half of this as retired pay when his active duty shall cease.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 368.

CHANGE OF NAME OF FAIRFIELD, CONN., COLLECTION DISTRICT TO BRIDGEPORT COLLECTION DISTRICT.

JANUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 9217.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 9217) amending sections 2533 and 2534 of the Revised Statutes, so as to change the name of the Fairfield collection district, having had the same under consideration, report it back with the recommendation that the bill do pass.

The only change in existing law proposed is a change of name of the collection district from the "Fairfield district" to the "Bridgeport district." As Bridgeport is the chief city in the district, it seems proper to your committee that the change be made.

The bill has the approval of the Treasury Department.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 369.

EXTENDING THE PRIVILEGES OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO NORWALK, STAMFORD, AND GREENWICH, CONN.

JANUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 9218.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 9218) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," having had the same under consideration, report it back with the recommendation that the bill do pass.

The Assistant Secretary of the Treasury, Hon. James B. Reynolds, recently appeared before your committee in explanation of this and similar bills. His statement was as follows:

Mr. REYNOLDS. I understand the question under consideration is the whole question of extending to certain different exterior ports in the United States the privileges of the "I. T." act;[a] that is, the privileges accorded in that part of the "I. T." act which would give to those exterior ports the same privileges of examination and appraisement of merchandise as are provided in that part of the act which now permits exterior ports to enjoy the privilege of having merchandise which is landed there go to interior ports without examination at the exterior port of entry. The "I. T." act, you know, makes two classifications. Section 1 gives to the ports of entry, or exterior ports, the privilege of having goods landed there, and, without any examination or appraisement whatever, be shipped in bond to interior ports, where the appraisement is made and the duties are collected.

The CHAIRMAN. That is under section 1?

Mr. REYNOLDS. Yes, sir. That is a privilege that can be extended without any danger to the revenue at all, and it helps toward the expedition of business in many ways.

The CHAIRMAN. You mean by "exterior ports" those ports on the border?

Mr. REYNOLDS. Yes, sir. Section 7 provides that goods can be shipped in bond from exterior ports to certain other ports and there be examined and the goods appraised and the duties levied and collected. In most of those cases the requests that come in are from very small ports where, as matters stand to-day, there are no proper facilities for the examination of merchandise.

[a] An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes (Chap. 190, Laws of 1880).

To have merchandise of every character properly examined, it means that there must be a large force of examiners, because no one man or no two or three men could examine all kinds of merchandise with any degree of care or skill. There must be those facilities, which all ports could not have because of the expense, and it is only at large ports that they have the proper facilities for examination. The result is that, in the small ports to which the privileges of examination are extended, it results in one of two things: Either that the examiner, not knowing the nature or character of the goods under examination, is obliged practically to take the invoice value, or else he is compelled to write to the Department and say he does not know enough about these goods to examine them properly, and to request another examiner to come there. The latter, naturally, he is unwilling to do, and in most cases he accepts the valuation of the goods as invoiced, and in such cases the examination of goods is practically a farce.

There are some small ports to which this privilege of immediate transportation and appraisement can be extended without danger, and those are where the goods that come in are of a certain particular kind or character. We could handle those goods very well in those places, and there would be no danger in extending this privilege to those ports. But in small ports, where all kinds of goods and merchandise come in for examination, the Department has not the facilities there, nor has it the necessary appropriation with which to provide the facilities.

Mr. NEEDHAM. What would be an illustration or example of a port that receives but one class of goods?

Mr. REYNOLDS. Some ports in Connecticut—one is Bridgeport—where the question of value of goods does not enter into the matter and where there is no danger of appraisement of merchandise by a man who is not an expert. Then there are many ports where free goods come in, and in those places there would be no danger at all in allowing this privilege, or in ports where the great majority of entries are goods on which ad valorem duties are paid, which are usually of one character, where we could have an expert man on that.

The CHAIRMAN. When you extend the privileges of the seventh section, what additional expense does that entail?

Mr. REYNOLDS. It means that we must have examiners. Generally at these small ports there is one appraising officer, and, of course, it is absolutely impossible for one man to pass on all kinds of goods. If this privilege is extended, in order that the revenue may be safe-guarded and the tariff law properly carried out, it would be necessary to add several examiners, so that between them all they could take care of all kinds of goods.

The CHAIRMAN. The bills before the committee are, nearly all of them, without exception, to extend the privileges of the seventh section, that is, immediate transportation, to these various interior ports; and concerning those that have been referred to the Department we have received letters stating that the Department favors them or has no objection to them. Did you take into consideration the fact of the extra expense in making these interior ports ports of immediate transportation, delivery, and appraisement, and so forth?

Mr. REYNOLDS. I think that the Department has recommended four ports this year, three of them being included in one bill. They are in the Bridgeport district, where the goods are of a character that could be passed upon by the officials there. The other case, I think, was at Chattanooga, Tenn., where we already have the necessary facilities.

Mr. CLARK. How do you know they would import those things only at Bridgeport?

Mr. REYNOLDS. Simply by what has been done heretofore.

Mr. CLARK. It has some peculiar trade around there, has it not?

Mr. REYNOLDS. Yes.

The CHAIRMAN. What extra expense would be involved in that?

Mr. REYNOLDS. I do not think that it would mean any extra expense at all.

Mr. HILL. Not any. The character of goods is uniform throughout the year, and almost entirely they are made up of raw materials for manufacturing purposes; pig iron and lumber. It means simply ten days' delay at present.

Mr. REYNOLDS. The trouble we have in examination is when goods are brought in for retail trade; silks, and dry goods, and things of that kind.

The CHAIRMAN. If any gentleman desires to ask any question, he can do so now.

Mr. HILL. Mr. Reynolds, you concur, I think, in the statement I made, that no expense whatever will be involved to the Government by the passage of those bills relating to the Bridgeport district, and that the character of the entries is practically uniform throughout the year, and that no goods or things of that kind would require an examination, but that they are raw materials for manufacturing purposes?

Mr. REYNOLDS. Those are the two considerations that made the Department report favorably on that bill.

Mr. NEEDHAM. You speak of the ports around Bridgeport?
Mr. REYNOLDS. Yes. They are subports; three of them.
The CHAIRMAN. Are those the bills you recommend as not attaching any expense?
Mr. REYNOLDS. We recommend section 7 to be applied to the ports mentioned in the three bills—three to Connecticut, and one to Chattanooga.
The CHAIRMAN. What expense is attached to that?
Mr. REYNOLDS. Under the machinery there, I think there would be no extra expense.
The CHAIRMAN. It would not require extra examiners?
Mr. REYNOLDS. No.

For the reasons above stated by Mr. Reynolds, your committee recommend the passage of the bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 370.

EXTENSION OF PRIVILEGES OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO ALBURG, VERMONT.

JANUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 12420.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 12420) to extend immediate transportation privileges to the subport of Alburg, in the collection district of Vermont, having had the same under consideration report it back with the recommendation that the bill do pass.

The effect of this act would be to allow merchandise destined for some interior port to pass through Alburg to that port without detention at Alburg for appraisal there. It would entail no further expense to the Government, and is recommended by the Treasury Department.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 437.

INDIAN APPROPRIATION BILL.

JANUARY 27, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHERMAN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 15219.]

The aggregate of items in the accompanying bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1909, and for other purposes, is $8,215,697.87.

The estimates for the Indian service upon which the bill is based will be found in the estimates for appropriations for the fiscal year 1909, page 271, et seq. (H. Doc. No. 12, 60th Cong., 1st sess.), and aggregate	$8,219,272.87
The appropriations carried in the bill amount to	8,215,697.87
Apparent excess of estimates over items carried in the bill	3,575.00

The following table shows the estimates submitted for the fiscal year 1909 under several divisions of the bill, the amounts recommended to be appropriated, and the appropriations contained in the appropriation bill for 1908:

Object.	Estimates for 1909.	Carried by bill, 1909.	Appropriated for 1908.
Current expenses	$898,200.00	$898,200.00	$917,800.00
Fulfilling treaty stipulations	1,472,662.87	1,472,162.87	2,412,278.16
Miscellaneous supports (gratuities)	660,500.00	660,500.00	565,500.00
Incidental expenses	74,000.00	74,000.00	74,000.00
Miscellaneous expenses	1,143,210.00	1,227,510.00	2,295,643.47
Schools	3,970,700.00	3,681,420.00	4,039,995.00
Total	8,219,272.87	8,215,697.87	10,305,216.63

Amount appropriated for 1908 (as per House Doc. No. 12, 60th Cong., 1st sess.)	$10,
Amount carried in the bill for 1909	8,
Excess of appropriation, 1908, over amount contained in bill for 1909	2,

Comparison of appropriations for 1908 and proposed appropriations for 1909.

Items.	Appropriations 1908.	Proposed appropriations 1909.
PRESIDENT.		
Allotment of lands in severalty	$40,000.00	$75,000.00
COMMISSIONER.		
Construction of ditches and reservoirs	125,000.00	200,000.00
Survey and subdivision, Indian reservations	40,000.00	75,000.00
Suppression liquor traffic	25,000.00	25,000.00
Support of day and industrial schools	1,700,000.00	1,700,000.00
Collection and transportation of pupils	75,000.00	75,000.00
Detail of clerks	3,000.00	3,000.00
Experiments on Indian farms	.....	5,000.00
MISCELLANEOUS.		
Telegraphing, telephoning, and supplies	315,000.00	315,000.00
Buildings and repairs of buildings	75,000.00	75,000.00
Vaccine matter and vaccination	5,000.00	5,000.00
GENERAL OFFICERS AND EMPLOYEES.		
Expenses, committee of citizens	4,000.00	4,000.00
Inspectors and traveling expenses	23,800.00	23,800.00
Superintendent of schools and expenses	4,500.00	4,500.00
Interpreters	4,000.00	4,000.00
Indian police	200,000.00	200,000.00
Matrons	25,000.00	30,000.00
Farmers and stockmen	125,000.00	125,000.00
Indian judges	12,000.00	12,000.00
Contingencies	75,000.00	75,000.00
ARIZONA.		
Pay of Indian agent	1,800.00	1,800.00
Support of Apaches, etc	225,000.00	300,000.00
Support, Pima Indians	40,000.00	40,000.00
Fort Mohave School	45,000.00	43,000.00
Phoenix School	136,900.00	127,400.00
Truxton Canyon School	23,470.00	19,200.00
Incidental expenses	1,500.00	1,500.00
CALIFORNIA.		
Support of mission Indians	5,000.00	15,000.00
Support of northern Indians	10,000.00	20,000.00
Sherman Institute	120,500.00	103,000.00
Incidental expenses	11,000.00	11,000.00
COLORADO.		
Fort Lewis School	45,700.00	.....
Grand Junction School	43,150.00	41,000.00
Incidental expenses	1,000.00	1,000.00
IDAHO.		
Superintendent Cœur d'Alene Reservation	1,200.00	1,200.00
Support, Shoshones, Bannocks, etc	30,000.00	30,000.00
Incidental expenses	1,000.00	1,000.00
Fort Hall irrigation	350,000.00	100,000.00
Shoshone treaty	5,000.00	5,000.00
Cœur d'Alene treaty	3,500.00	3,000.00
Fort Hall Indians treaty	6,000.00	6,000.00
Lemhi Indians treaty	4,000.00	4,000.00
IOWA.		
Sac and Fox School	16,060.00	15,160.00
KANSAS.		
Haskell Institute	162,750.00	151,750.00
Kickapoo Indian School	17,660.00	16,860.00
Pottawatomies Treaty (capitalized, 1908)	229,102.10	9,037.90
Sacs and Fox of the Missouri	200.00	200.00
MICHIGAN.		
Mount Pleasant School	56,100.00	.....
MINNESOTA.		
Morris School	29,650.00	29,550.00
Pipestone School	46,075.00	41,675.00
Completion, survey, ceded Indian lands	10,000.00	10,000.00

Comparison of appropriations for 1908 and proposed appropriations for 1909—Cont'd.

Items.	Appropriations 1908.	Proposed appropriations 1909.
MINNESOTA—continued.		
Chippewas of the Mississippi treaty	$4,000.00	$4,000.00
Chippewas of Minnesota	251,000.00	240,000.00
MONTANA.		
Pay of Indian agents	5,100.00	5,100.00
Support, Indians at Fort Belknap	20,000.00	20,000.00
Support of Crow Indians	8,000.00	8,000.00
Support, Indians at Flathead Agency	9,000.00	9,000.00
Support, of Indians at Fort Peck Agency	50,000.00	50,000.00
Milk River irrigation (Fort Belknap)	.....	25,000.00
Irrigation, allotted land, Flathead Reservation	30,000.00	50,000.00
Incidental expenses	2,500.00	2,500.00
Crows treaty	6,000.00	6,000.00
Northern Cheyennes and Arapahoes treaty	99,000.00	99,000.00
Allotment of lands, Flathead Reservation	15,000.00	15,000.00
Tongue River irrigation	40,000.00	.....
Allotment, lands, Blackfeet Reservation	300,000.00	.....
NEBRASKA.		
Genoa School	58,000.00	54,800.00
Winnebagoes treaty	44,162.47	44,162.47
NEVADA.		
Support of Indians, Western Shoshone Reservation	8,000.00	8,000.00
Carson School	88,100.00	.....
Incidental expenses	9,000.00	9,000.00
NEW MEXICO.		
Albuquerque School	62,100.00	58,900.00
Santa Fe School	66,100.00	58,500.00
Special Pueblo attorney and expenses	2,000.00	2,000.00
Incidental expenses	1,000.00	1,000.00
Zuni irrigation project	30,000.00	25,000.00
NEW YORK.		
Pay of agent and physician	1,600.00	1,600.00
Senecas treaty	11,902.50	11,902.50
Six Nations treaty	4,500.00	4,500.00
NORTH CAROLINA.		
Cherokee School	44,820.00	28,720.00
NORTH DAKOTA.		
Agent Standing Rock Reservation	1,800.00	1,800.00
Support, Devils Lake Sioux	5,000.00	5,600.00
Support, Indians at Fort Berthold	20,000.00	20,000.00
Support, Turtle Mountain band	13,000.00	13,000.00
Fort Totten School	61,275.00	60,975.00
Wahpeton School	35,300.00	20,200.00
Bismarck School	.....	20,200.00
Incidental expenses	1,000.00	1,000.00
OKLAHOMA.		
Pay Indian agents	3,600.00	4,800.00
Support, Apaches, Kiowas, Comanches, etc	25,000.00	25,000.00
Support, Arapahoes and Cheyennes	35,000.00	35,000.00
Support of Kansas Indians	1,500.00	1,500.00
Support, Kickapoo Indians	2,000.00	2,000.00
Support, Ponca Indians	9,000.00	9,000.00
Chilocco School	143,900.00	129,400.00
Osage fund (capitalized)	61,120.00	.....
Pawnee treaty	47,100.00	47,100.00
Quapaw treaty	1,500.00	1,500.00
Sacs and Foxs of the Mississippi	51,000.00	51,000.00
FIVE CIVILIZED TRIBES.		
Pay of agent, Union Agency	3,000.00	4,500.00
Special clerical force, Union Agency	6,000.00	6,000.00
Leasing Creek and Cherokee lands	30,000.00	40,000.00
Sale of inherited and other lands	30,000.00	15,000.00
Removal of intruders	15,000.00	20,000.00
Removal of restrictions	25,000.00	25,000.00
For suppression of smallpox	10,000.00	.....
Incidental expenses	40,000.00	22,000.00
Investigation, leases, allotted lands	10,000.00	10,000.00

Comparison of appropriations for 1908 and proposed appropriations for 1909—Cont'd.

Items.	Appropriations 1908.	Proposed appropriations 1909.
FIVE CIVILIZED TRIBES—continued.		
Care of orphan Indian children	$10,000.00	$10,000.00
Schools	300,000.00	150,000.00
Completion of work, Dawes Commission	157,000.00	143,000.00
Choctaws treaty (capitalized, 1908)	420,290.81	10,520.00
Seminoles treaty	28,500.00	28,500.00
Support of insane	35,000.00	20,000.00
OREGON.		
Support of Klamaths, Modocs, etc	8,000.00	8,000.00
Support Confederated Bands, Warm Spa	4,000.00	4,000.00
Support Walla Walla, Cayuse, etc	3,000.00	3,000.00
Salem School	119,700.00	111,200.00
Incidental expenses	6,000.00	6,000.00
Purchase land Grande Ronde Reservation	550.00	.....
Molels treaty	3,000.00	3,000.00
PENNSYLVANIA.		
Carlisle School	169,000.00	169,000.00
SOUTH DAKOTA.		
Pay of agents	11,500.00	11,500.00
Buildings and water supply, agencies	10,000.00	.....
Chamberlain School	44,500.00	37,500.00
Flandreau School	72,625.00	69,425.00
Pierre School	47,650.00	29,550.00
Rapid City School	49,750.00	59,350.00
Incidental expenses	3,000.00	3,000.00
Payment Waldron claim	3,860.00	.....
Sioux of different tribes, treaty	797,000.00	797,000.00
Yankton tribe, treaty	38,500.00	35,000.00
Asylum for insane Indians	25,000.00	25,000.00
Allotments on Rosebud Reservation	.....	15,000.00
Survey Pine Ridge Reservation	2,3 .00	.....
To divide Sioux reservations	15,000.00	30,000.00
UTAH.		
Pay of agent	1,800.00	1,800.00
Southern Utah School	18,725.00	18,725.00
Incidental expenses	1,000.00	1,000.00
Irrigation Uncompahgre Reservation	150,000.00	200,000.00
Confederated Utes, treaty	53,740.00	53,740.00
Sheep for San Juan Piutes	10,500.00	.....
VIRGINIA.		
Indian pupils at Hampton	20,040.00	20,040.00
WASHINGTON.		
Pay Indian agent	1,500.00	1,500.00
Support D'Wamish Indians, etc	7,000.00	7,000.00
Sawmill, Tulalip Reservation	2,000.00	.....
Support Makahs	2,000.00	2,000.00
Support Qui-nal-elts, etc	1,000.00	1,000.00
Support Yakimas	5,000.00	5,000.00
Telephone line, Yakima Reservation	4,000.00	.....
Incidental expenses	13,000.00	13,000.00
Spokanes treaty	2,000.00	2,000.00
Support Joseph's band, Nez Percé	1,000.00	1,000.00
Irrigation, Yakima lands	15,000.00	15,000.00
Payment to Colville Indians	300,000.00	.....
WISCONSIN.		
Indian agent, La Pointe Agency	1,800.00	2,500.00
Hayward School	41,070.00	40,870.00
Tomah School	47,750.00	46,450.00
Support Chippewas of Lake Superior	7,000.00	7,000.00
WYOMING.		
Support of Shoshone Indians	12,000.00	12,000.00
Shoshone School	36,025.00	39,025.00
Incidental expenses	1,000.00	1,000.00
Pope Agie River improvement	401.00	.....
Shoshone treaty	6,000.00	6,000.00
Irrigation, Wind River Reservation	.....	125,000.00

Excess of estimates for 1909 over appropriations for 1908.

General provisions, allotment of lands in severalty	$35,000.00
Commissioner:	
Construction of ditches and reservoirs	75,000.00
Surveying and allotting reservations	35,000.00
Experiments on Indian farms and lands	5,000.00
General officers, matrons	5,000.00
Arizona, support of Indians in Arizona and New Mexico	75,000.00
California:	
Support of Mission Indians	10,000.00
Support of Northern Indians	10,000.00
New Mexico, Santa Fe School	1,900.00
Oklahoma:	
Pay of agent, Union Agency	1,500.00
Leasing of mineral and other lands	10,000.00
Removal of intruders	5,000.00
Support of insane Indians	5,000.00
South Dakota:	
Rapid City School	3,860.00
Allotments, Sioux Reservations	15,000.00
Utah, irrigation, Uintah Reservation	50,000.00
Wisconsin, Tomah School	2,700.00
Wyoming:	
Shoshone School	4,000.00
Irrigation, Wind River Reservation	25,000.00
	373,960.00

Excess of items carried in bill for 1908 over estimates for 1909.

Commissioner, support of schools	$100,000.00
General officers:	
Pay of irrigations engineers	14,500.00
Traveling expenses, engineers	9,800.00
Arizona:	
Fort Mohave School	4,000.00
Phoenix School	9,500.00
Truxton Canyon School	4,270.00
California, Sherman Institute	17,500.00
Colorado:	
Fort Lewis School	1,300.00
Grand Junction	2,200.00
Iowa, Sac and Fox School	1,400.00
Kansas:	
Haskell Institute	11,000.00
Kickapoo School	1,800.00
Fulfilling treaties with Pottawatomies	220,064.20
Fulfilling treaties with Sac and Fox	105,420.00
Michigan, Mount Pleasant School	300.00
Minnesota:	
Pay of Indian agent	1,800.00
Morris School	100.00
Pipestone School	4,400.00
Montana, surveying and allotting Flathead Reservation	15,000.00
Nebraska, Genoa School	3,300.00
Nevada, Carson City School	29,700.00
New Mexico:	
Albuquerque School	3,200.00
Santa Fe School	1,900.00
Irrigation	5,000.00
North Carolina, Cherokee School	16,100.00
North Dakota:	
Fort Totten School	200.00
Wahpeton School	5,100.00

Oklahoma:	
Chilocco School	$14,500.00
Sale, inherited lands	15,000.00
Commission Five Civilized Tribes	13,690.00
Choctaw treaty	409,770.81
Oregon:	
Salem School	8,500.00
South Dakota:	
Chamberlain School	7,000.00
Flandreau School	3,200.00
Pierre School	18,100.00
Rapid City School	3,400.00
Utah, Southern Utah School	18,725.00
Wisconsin, Hayward School	200.00
Total	1,100,940.00

Excess of items carried in bill for 1909 over estimates for 1909.

General officers:	
Eight inspectors	$21,000.00
Traveling expenses, inspectors	12,800.00
Oklahoma, pay of Osage agent	700.00
South Dakota, Rapid City School	13,000.00
Utah, Southern Utah School	18,725.00
Wisconsin, pay La Pointe agent	700.00
Total	66,925.00

Excess of items estimated for 1909 over items carried in bill for 1909.

General officers, irrigation engineers and expenses	$9,500.00
Colorado, Fort Lewis School	43,800.00
Idaho, Coeur d'Alene	500.00
Michigan, Mount Pleasant School	55,800.00
Nevada, Carson School	58,400.00
New Mexico, Sante Fe School	5,000.00
Oklahoma:	
Schools, Five Civilized Tribes	150,000.00
Care insane Indians	20,000.00
Pennsylvania, Carlisle School	5,000.00
Wisconsin, Tomah School	3,000.00
Total	351,000.00

Items carried in bill for1909 not regularly estimated for 1909.

Idaho, Fort Hall irrigation	$100,000.00
Minnesota, drainage ceded lands	10,000.00
Montana:	
Milk River irrigation	25,000.00
Flathead Reservation irrigation	50,000.00
Utah, Southern Utah School	18,725.00
Total	203,725.00

LEGISLATIVE PROVISION.

But two pieces of general legislation are attempted in this bill. The committee and the Commissioner of Indian Affairs are in accord to a great degree on the subject of doing away as rapidly as possible with the nonreservation schools. There are several reasons for this departure in Indian affairs, most of which are set forth in the last report of the Commissioner. In this bill is inserted a provision giving the

Commissioner of Indian Affairs authority to consult with the officials of the various States in which nonreservation schools are located for the purpose of ascertaining whether or not the said States will take over these institutions from the Government free of charge and hereafter conduct them, with the proviso that Indians shall be admitted on the same basis as white children. The provision in the bill provides further that the Commissioner shall report the result of his investigation in this respect to Congress.

The second item of legislation incorporated in the bill is for the purpose of bringing the Indians of the Five Civilized Tribes in Oklahoma within the provisions of the act which authorizes the Secretary of the Interior to remove restrictions from individual Indians in cases where the proof of the competency of the individual Indian is sufficient to warrant such action on the part of the Secretary. Heretofore the Indians of the Five Civilized Tribes have been excepted from this provision, and all individual restrictions removed from them have been so removed through the medium of legislation, necessitating hearings and investigations upon the part of the committees of Congress. This particular piece of legislation is recommended by the Commissioner.

IRRIGATION.

The success of the Reclamation Service in the West, and the experiments so far entered into by Congress with reference to the reclamation of Indian lands by irrigation has demonstrated that the idea is of great value, and this bill carries the sum of $725,000 for the purposes of irrigating Indian lands. The greater share of it is reimbursable, and it is found that when Indian lands are placed upon the market, facilities for irrigation being at hand, they are sold much more readily and at a very considerable increase in price. This fact enables the Indians to secure more funds and the Government to be reimbursed for its expenditure.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 438.

REVENUE CUTTER FOR USE AT KEY WEST, FLA.

JANUARY 27, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 6133.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 6133) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., having considered the same, report thereon with amendments and as so amended recommend that it pass.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

In line 6 strike out the word "one" and insert the word "two" in lieu thereof.

In line 7 strike out the word "seventy-five" and insert the word "fifty" in lieu thereof.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 7, 1908.

SIR: I am in receipt of a letter dated December 21, 1907, from the Committee on Interstate and Foreign Commerce, transmitting a bill (H. R. 6133) "to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Florida," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have to state as follows:

A first-class revenue cutter stationed with headquarters at Key West, Fla., should be provided to enforce the navigation and customs laws and to assist vessels in distress on a large extent of coast that is not now adequately protected. The Revenue-Cutter Service has not a vessel of the first class stationed in the Gulf of Mexico nor one available for that duty. There is now stationed at Key West the second-class cutter *Forward*, of 435 tons, built in 1882, and of very limited power and speed. The

Winona, a second-class cutter of 340 tons, built in 1890, is stationed at Mobile, Ala. The *Windom*, also a second-class vessel, of 528 tons, is stationed at Galveston, Tex. No one of these three vessels is of sufficient size or power to remain at sea for a considerable period in bad weather.

There should be in the Gulf a first-class cruising vessel with high power and coal capacity, capable of performing duty at sea under all conditions. The numerous and varied duties intrusted to the Revenue-Cutter Service are such as to call for a vessel of this character.

A vessel such as is needed for this work can not be constructed for the sum of $175,000, and I recommend that the bill be amended so as to provide that the cost of the vessel shall not exceed $250,000.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 440.

PROTECTION OF GAME IN ALASKA.

JANUARY 28, 1908.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. HIGGINS, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 14789.]

The Committee on the Territories, to whom was referred the bill (H. R. 14789) "To amend an act entitled 'An act for the protection of game in Alaska, and for other purposes,' approved June 7, 1902," having had the same under consideration, report it back to the House with the recommendation that it pass.

Under present conditions no license or other restriction being placed upon anyone wishing to hunt in Alaska, except the time of hunting, and the number of animals that may be killed, the destruction of game under the present law has not been greatly diminished and Alaska has not been in any way benefited by such killing of game. While the bringing out of trophies has been almost entirely prohibited, the slaughter of game has continued. This bill amends the act of June 7, 1902, in the following essential particulars:

First. In section 2 the open seasons are altered slightly to accord with the necessities of the case, as shown by the experiences of the past five years.

Second. In lieu of the present permit system under the Secretary of Agriculture is substituted a license system under the governor of Alaska. The governor is authorized to issue licenses, to employ game wardens, to make rules and regulations for guides on the Kenai Peninsula, and to expend the money collected from licenses in the protection of game.

No appropriation has ever been made for the enforcement of the Alaska game law. The present bill, it is believed, will remedy this defect by providing a system of licenses without appropriation. It is believed that a sufficient sum will be raised in this manner for the employment of wardens at a few points where most needed, as on the

Kenai Peninsula. The license system has already been adopted in 36 States and Territories of the United States and in all the provinces of Canada.

Compared with the usual fees in regions affording big-game hunting in any degree comparable with Alaska, the schedule of rates in this bill is not unusually high. No license is required of a resident of Alaska, and such resident can ship trophies upon the purchase of a shipping license at a price varying with the number and kind. The license fee for residents of the United States not residing in Alaska is $50, as in Wyoming, British Columbia, New Brunswick, and Newfoundland. The license fee for foreigners is $100, as in Manitoba. To ship moose killed south of latitude 62° N. a special license, costing $150, is required. In view of the fact that the largest moose in the world inhabits the Kenai Peninsula, and that it is one of the most sought after of all big game animals, and that a single head commands high prices, from $250 to $1,000 and upward, the cost of this license is not excessive.

The principal effect of the proposed change will be to open up Alaska to sportsmen under the license system, and it seems to your committee that this should be done. While under the proposed bill a limited number of trophies may be brought out upon the payment of a license, yet this privilege is carefully guarded by requiring the license and a copy of certain affidavits required by the bill to be filed at the customs office at the port from which such trophies are to be shipped, and this privilege is further guarded by most stringent requirements of any common carrier transporting such trophies. Commensurate penalties are provided for any violation of the act.

The governor and the Delegate from Alaska have indorsed this bill, and Dr. C. Hart Merriam, Chief of the Biological Survey of the Agricultural Department, who knows, perhaps, more about the game and the game conditions of Alaska than any other man, earnestly favors its immediate passage. It has been carefully prepared and thought out after painstaking investigation and deliberation by the author of the bill, the Hon. W. E. Humphrey, of the State of Washington.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 441.

TO LEGALIZE BRIDGE ACROSS MISSISSIPPI RIVER AT RICE, MINN.

JANUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. STEVENS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12401.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington. January 23, 1908.

SIR: 1. I have the honor to return herewith letter dated the 9th instant, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon, H. R. 12401, Sixtieth Congress, first session, "A bill to legalize a bridge across the Mississippi River at Rice, Minn."

2. It is understood that the bridge which the bill proposes to legalize was built in ignorance of the law requiring prior consent of Congress to the erection of such structures. The portion of the Mississippi River at the site of the structure is not used for navigation other than the running of logs, and it is reported that the bridge does not interfere with any existing navigation and that it is not likely to do so in the future. In view of the foregoing and of the fact that the bill provides that any changes in the structure which the Secretary of War may at any time deem necessary in the interest of navigation shall be promptly made by the owners thereof at their own expense, I am of opinion that there is no objection so far as navigation is concerned to favorable consideration of the bill by Congress.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, *January 24, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, of yesterday's date.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 442.

BRIDGE ACROSS POWELLS RIVER, TENNESSEE.

JANUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14781.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

This bill is identical with H. R. 13840, except that this bill authorizes Campbell County to construct the bridge instead of the Converse Bridge Company, as stated in H. R. 13840, which was referred to the War Department and reported on by the War Department as herein set out.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 20, 1908.

1. Respectfully returned to the Secretary of War.

2. The accompanying bill (H. R. 13840), Sixtieth Congress, first session, to authorize the construction of a bridge across Powells River, Tennessee, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
January 21, 1908.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 443.

BRIDGE ACROSS COLORADO RIVER AT PARKER, ARIZ.

JANUARY 28, 1908—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committe on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 2662.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2662) to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz., having considered the same report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 23, 1907.

Respectfully returned to the Secretary of War.

The accompanying bill (S. 2662), Sixtieth Congress, first session, to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 444.

TO VALIDATE CERTAIN ENTRIES OF PUBLIC LANDS IN STATE OF COLORADO.

JANUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of California, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14434.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado, submit the following report:

The committee unanimously recommends that the bill (H. R. 14434) be passed.

The committee found that in the townships mentioned a number of settlers, through their mistake and the mistake of the officers of the land office also, had presented their final proofs at an office in a different district from that in which the land lay. The proofs in every respect are satisfactory, and the only error was in making them at the wrong office. It is therefore believed that the Government loses nothing, and that the settlers are accommodated by validating the proofs already made.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 507.

EXTENSION OF PRIVILEGES OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO KNIGHTS KEY, FLA.

JANUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 14011.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 14011) to extend immediate transportation privileges to the subport of Knights Key, in the collection district of Key West, Fla., having had the same under consideration, report it back with the recommendation that the bill do pass.

The effect of this act would be to allow merchandise destined for some interior port to pass through Knights Key to that port without detention at Knights Key for appraisal there. It would entail no further expense to the Government and is recommended by the Treasury Department.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 508.

TEMPORARY HOME FOR EX-UNION SOLDIERS AND SAILORS IN DISTRICT OF COLUMBIA.

JANUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 9240.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9240) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia, report the same back to the House with the recommendation that it do pass with the following amendments:

On page 1, after the word "sailors," in line 6, insert the words "and marines."

In line 7, page 1, strike out the word "and" and insert in same line, after the word "sailors," the words "and marines."

Capt. A. A. Maxim, superintendent of the Home, submitted the following letter:

WASHINGTON, D. C., *December, 1907.*

SIR: Referring to the bill now before the House for an appropriation for a Soldiers' and Sailors' Temporary Home, I have the honor to submit, at the request of friends of the bill, in order to meet any possible objection that its passage would necessitate an increased annual appropriation for the maintenance of the Home, the following statement:

Having been superintendent for nearly ten years, and having kept an itemized account of all the expenditures during that time, I am positive that the present annual appropriation of $5,500 will be sufficient to meet all the expenses of maintaining such a Home as is contemplated by the bill.

Very respectfully,

A. A. MAXIM, *Superintendent.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

The committee can very strongly indorse Captain Maxim.

Following are the rules governing the temporary home:

Rules governing the temporary home for ex-Union soldiers and sailors, of Washington, D. C.

I. No ex-Union soldier or sailor shall be admitted to the home who has not an honorable discharge from either the Army or Navy or can give other satisfactory evidence of his service.

II. No person shall be admitted who is under the influence of liquor, nor shall an inmate bring any intoxicants into the home or use any while a guest of the home.

III. The use of profane or indecent language shall be sufficient cause for the immediate discharge by the president of the inmate guilty of using either.

IV. It shall be the duty of each inmate, immediately upon his admission, to take a bath, under the direction of the superintendent, and to keep his person and clothes clean and neat.

V. All loud talking, or boisterousness, or angry discussions are strictly forbidden.

VI. Inmates are required to be promptly on time for their meals, or they will be debarred admission to the dining room.

VII. No talking or smoking, that will disturb others, is allowed in the sleeping, reading, or dining rooms, or halls of the home.

VIII. All religious services are under the direction of the chaplain of the home, and each inmate is expected to attend the Sunday afternoon services.

IX. No books, papers, or magazines shall be taken out of the reading room without the permission of the superintendent.

X. No trading, betting, or selling shall be done in the home by either the inmates or the employees.

XI. Each inmate, upon leaving his bed in the morning, shall uncover his bed, so as to air the clothes, and immediately after breakfast he shall make up his bed neatly and properly.

XII. Each inmate is required to assist daily in sweeping and dusting the rooms and halls of the home when requested to do so by the superintendent.

XIII. Decorum is imperatively demanded from each inmate throughout the entire home.

XIV. No inmate shall enter the office, or dining room, or kitchen, or any other private part of the home without special permission from the superintendent.

XV. Inmates are prohibited from standing or loitering on the pavement in front of the home or adjacent properties.

XVI. All matters of discipline, as well as others pertaining to the home, may be referred to the president of the board of managers during the interim of the sessions of the board of managers for his decision, which shall be final until reviewed by the board.

XVII. All inmates desiring an extension of time must apply to the superintendent for a note from him to the board of managers stating what the inmate desires; without such a note all personal applications for extension of time will be refused by the president.

XVIII. Refusal to comply with these rules by any one of the inmates of the home shall be sufficient cause for immediate dismissal from the home.

XIX. The superintendent is authorized to enforce these rules, and is held responsible to the board of managers for their faithful observance.

By order of the board of managers:

W. H. GOTWALD,
A. J. GUNNING,
B. F. CHASE,
Committee.

Following are letters from ministers of the city of Washington and others asking the passage of a similar bill:

WASHINGTON, D. C., *March 23, 1904.*

DEAR SIR: We are familiar with the provisions of House bill No. 12379, introduced by Mr. Bishop, for the purpose of establishing a rest or temporary home in the District of Columbia for ex-volunteer soldiers and sailors. This is a most worthy charity. The object of the bill appeals to our judgment, and we can give it our hearty approbation, as it is one of the most worthy charities in the District. We earnestly ask your favorable consideration of the bill.

Respectfully,

F. M. BRISTOL,
Pastor Metropolitan Memorial Methodist Episcopal Church.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

A most worthy charity, appealing to every patriot.

WALLACE RADCLIFFE,
Pastor New York Avenue Presbyterian Church.

Everybody knows the object of the bill to be a most worthy charity.

D. J. STAFFORD,
Pastor St. Patrick's Church.

I concur in the above sentiment.

RANDOLPH H. MCKIM,
Rector Epiphany Episcopal Church.

A most laudable object.

LOUIS STERN,
Rabbi Washington Hebrew Congregation.

A most worthy, patriotic charity.

HENRY Y. SATTERLEE,
Bishop of Washington.

WASHINGTON, D. C., *March 23, 1904.*

DEAR SIR: As citizens interested in the welfare and proper treatment of the ex-volunteer soldiers and sailors of our late wars, we do most respectfully ask your favorable consideration of House bill 12379, and hope that you will find it consistent with your duty and your obligation as legislators to enact the same into a law. We consider the providing a temporary home for our ex-soldiers in this our capital city a patriotic duty which in honor all good citizens must recognize, and we know of no way that it can be so well and properly done as by providing a temporary home for them as set out in said bill.

With full confidence that this bill will appeal to your conscience, your judgment, and your patriotism upon its merits, we have the honor to be,

Most respectfully,

WOODWARD & LOTHROP,
C. C. WILLARD,
LANSBURGH & BRO.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS, *House.*

WASHINGTON, D. C., *April 4, 1904.*

DEAR SIR: We wish to call your attention to the merits of House bill No. 12379, introduced by Mr. Bishop, of Michigan.

We ask you kindly, as a member of the Military Committee, to grant us a hearing of only a few minutes on to-morrow, Tuesday, the 5th, and we will give you the facts which will no doubt make every member of the committee an enthusiastic supporter of this bill, because it appeals to the judgment, the conscience, and the patriotism of every lover of his country.

It is not the object of the bill to establish a soldiers' home in the District—not at all—but simply to provide a rest or a temporary abiding place for worthy old soldiers who are destitute and in need until such provision can be made for them as will get them into a home permanently or aid them in returning to their own homes.

We beg of you to give us the hearing, and then, if you do not approve of it, you will at least know what the facts are and the merits of the case.

Respectfully,

B. F. CHASE,
President Board of Managers.

Following is a letter from Newton Ferree, commander Department of the Potomac, Grand Army of the Republic, asking the passage of this bill:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
Washington, D. C., December 18, 1907.

DEAR SIR: As commander of the Department of the Potomac of the Grand Army of the Republic I am brought in daily contact with the wants and needs of many of the ex-volunteer soldiers and sailors of the late war, as well as the Spanish veterans. I am very familiar with the workings of the Temporary Home and know it to be one of the best and most patriotic institutions in the city. We supported it by volunteer contributions for several years; then we received assistance from the Government. The number that need assistance is increasing daily and we need enlarged quarters

very much, and as commander of the department I beg of you to consider the merits of the House bill 9240 and see that the same is enacted into law.

If you knew its merits and the need of it being enacted into a law as I do, you would, in my judgment, be most zealous and enthusiastic in its support.

NEWTON FERRER,
Commander Department of the Potomac, Grand Army of the Republic.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

The following statements made by Capt. A. A. Maxim, superintendent of the Home, show the amount of aid furnished by certain States to ex-Union soldiers and sailors; the number cared for in the Temporary Home during 1907 and the States they came from; the total cost of maintaining the Home from its organization in 1888 up to June 30, 1907; the number of meals and lodgings furnished and average cost of same, with comparative statement of cost of other institutions of like character, together with the number for whom employment has been secured during the past nine years:

WASHINGTON, D. C., *January 29, 1908.*

The following statement shows that 604 men were cared for in the Soldiers' and Sailors' Temporary Home during the year ending December 31, 1907, and that 38 States were represented:

Alabama	2	Nebraska	1
California	2	New Hampshire	5
Colorado	1	New Jersey	26
Connecticut	8	New York	61
Delaware	14	North Carolina	2
District of Columbia	44	North Dakota	1
Florida	2	Oregon	3
Georgia	5	Ohio	64
Illinois	30	Pennsylvania	70
Indiana	16	South Dakota	2
Iowa	9	Tennessee	25
Kansas	1	Texas	2
Kentucky	4	Utah	6
Louisiana	2	Vermont	5
Maine	10	Virginia	49
Maryland	46	Washington	1
Massachusetts	16	West Virginia	17
Michigan	13	Wisconsin	15
Minnesota	9	From no State	5
Missouri	10		

I certify that the above statement is correct.

A. A. MAXIM, *Superintendent.*

WASHINGTON, D. C., *January 28, 1908.*

Statement of the amount of aid furnished soldiers and sailors by the following States during the year ending December 31, 1906:

California	$143,251.57	Nebraska	$75,000.00
Connecticut	131,000.00	New Jersey	226,497.57
Indiana	325,000.00	New York	240,000.00
Illinois	210,000.00	New Hampshire	50,000.00
Maine	92,000.00	Ohio	92,700.00
Massachusetts	60,000.00	Pennsylvania	91,281.32
Minnesota	40,000.00	Vermont	12,000.00
Michigan	170,500.00	Wisconsin	116,540.86

I certify that above report is correct, according to the official report from each of the above States.

A. A. MAXIM, *Superintendent.*

WASHINGTON, D. C., *January 28, 1908.*

Statement of the workings of the Soldiers' and Sailors' Temporary Home, 106 Third street NW., and the cost of maintaining the same from the time of its incipiency, September 1, 1888, to June 30, 1907:

Total cost of maintenance	$57,000
Total number of meals furnished	484,700
Total number of lodgings furnished	240,000

Comparative statement of the cost of other institutions of like character:

Cost per man per day—Soldiers' and Sailors' Temporary Home.....cents..	26
United States Regular Army Home .....do...	81
National Soldiers' Homes.....do...	44
Municipal lodging house.....do...	44
Daily average of sick cared for in the Home	10
Number for whom employment has been secured during the past nine years.	234
Number of meals furnished from January 1, 1907, to January 1, 1908	28,130
Number of lodgings furnished from January 1, 1907, to January 1, 1908	12,071
Total number of Spanish-American war veterans cared for from January 1, 1907, to January 1, 1908	290
Total number of ex-union soldiers and sailors cared for from January 1, 1907, to January 1, 1908	326

I certify that above report is correct.

Very respectfully, A. A. MAXIM, *Superintendent.*

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 530.

TO ENCOURAGE PRIVATE SALMON HATCHERIES IN ALASKA.

JANUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUMPHREY, of Washington, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 14408.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 14408) to encourage private salmon hatcheries in Alaska, submits the following report:

The bill is intended to encourage private salmon hatcheries in Alaska. It asks for no appropriation, and its purpose is only to give to any person who will operate a private salmon hatchery with an annual capacity of 10,000,000 or more fry an appropriate hatchery site, not exceeding 40 acres of nonmineral land, together with the use of the necessary adjacent tide lands, the necessary fresh and salt waters, and the necessary roads for ways of ingress and egress. It also gives such person the right to take and use any timber, stone, or other material from any public lands for the necessary construction, use, and maintenance of said hatchery. There are many hundreds of thousands of acres in Alaska of public lands that are practically worthless for any purpose, and it seems to your committee that if any person will comply with the terms of the bill that they should be given what is granted thereby.

The salmon hatcheries of Alaska are the greatest in the world.

The value of the pack for 1907 will approximate $12,000,000, and the committee feels that this industry should be given every reasonable assistance.

The committee therefore recommends the passage of the bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 531.

TO INCREASE PENSIONS OF WIDOWS, ETC., OF SOLDIERS AND SAILORS OF CIVIL WAR, WAR WITH MEXICO, INDIAN WARS, ETC.

JANUARY 30, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 15653.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 15653) to increase the pension of widows, minor children, and of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, submit the following report:

A year ago Congress passed an act granting pensions to certain soldiers of the late civil war and the war with Mexico, known as the McCumber Act, which provided a minimum rate of $12 per month to soldiers who had arrived at the age of 62 years and a maximum rate of $20 per month to those who had arrived at the age of 75 years.

No provision for an increased rate of pension was then made for the widows of the soldiers who served in these wars, and fully realizing that while it is not the policy of the Government to provide full support for widows of soldiers your committee believe that an increased rate of pension for these widows should nevertheless be granted to prevent absolute want.

Your committee now presents a bill granting to the widows of soldiers of all wars who are now receiving, or may hereafter be entitled to receive, a pension of $8 per month, an increase of $4 per month, so as to make their pension $12 per month.

This part of the bill goes into effect from the date of its passage, and the increased rate is granted to those widows who are now drawing pensions without the necessity of making application at the Pension Bureau, as the same mode of procedure can be applied to the

execution of this act as has heretofore been done when the pension of general, law widows was increased from $8 to $12 per month under the act of March 19, 1886, and the minimum rate of pension of $6 per month was established by the act of March 2, 1895, namely, through the several agencies for the payment of pensions.

At the same time the bill provides in section 2 that, from and after the date of its passage, applications for widows' pensions under the act of June 27, 1890, as amended by the act of May 9, 1900, may be made by and allowed to those widows who formerly were barred thereunder by reason of the fact that they possessed resources from which an actual net income in excess of $250 per annum was derived or derivable.

These widows will be granted the same rate of pension as those mentioned in section 1, and the same limitation as to date of marriage is made applicable to them as is contained in the original act of June 27, 1890.

This section of the bill, it will be seen, is not retroactive, hence application for its benefits must be made to the Pension Bureau after the date of its passage.

It has been found in the adjudication of this class of claims under existing law (act of May 9, 1900) that the Pension Bureau has been put to great expense to arrive at a just finding in these claims, many of which had to be placed in the hands of special examiners to determine the question of dependence, and many of which were rejected upon the sole ground that because the claimant owned property which was used as a home the potential income from the same would exceed $250 per annum. By eliminating this proof of dependence the bill will save almost as much in expenses as the additional burden to the pension appropriation bill will entail.

The cost of the bill if enacted into law will approximate $12,741,300 per year, divided as follows, this estimate being based on the number of widows, minor children, and helpless minors on the pension roll on June 30, 1907:

CIVIL WAR.	
185,671 widows, minors, and helpless minors, pensioned under the act of June 27, 1890, at an increased rate of $48 per year	$8,816,208
2,486 widows pensioned under the general law at $8 per month (act of March 19, 1886), at an increase of $48 per year	119,328
MEXICAN WAR.	
6,880 widows, at an increase of $48 per year	330,240
INDIAN WARS.	
3,081 widows, at an increase of $48 per year	147,888
REGULAR ESTABLISHMENT.	
172 widows, at an increase of $48 per year	8,256
SPANISH WAR.	
153 widows, at an increase of $48 per year	7,344
Total	9,429,264

It is estimated that about 18,000 widows may apply for pension under the second section of this bill (having had no prior title by reason of their nondependence under the act of May 9, 1900). The cost of these claims at $144 per year will amount to $2,592,000.

It is further estimated that there will be a yearly increase in the number of widow pensioners (over and above the loss by death) of about 5,000, which would further increase the annual cost to the amount of $720,000, so that the total cost of this bill if enacted into law will amount to about $12,741,000.

The first section of the bill, as above stated, applies to every widow pensioner now on the rolls at $8 per month and includes, therefore, not only the widows of soldiers who served in the civil war, but those who served in the war with Mexico, the various Indian wars, the war with Spain, the regular military and naval peace establishment, and one widow of the war of 1812 receiving a pension of $8 only.

The committee unanimously recommend the passage of the bill, believing that the benefits therein granted are fully merited.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 533.

EXEMPTION OF DUES AND TAXES ON HOSPITAL SHIPS IN TIME OF WAR.

JANUARY 30, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COUSINS, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany H. R. 14931.]

The Committee on Foreign Affairs, to which was referred the bill (H. R. 14931) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from port dues and taxes, having carefully considered the same, respectfully report it back to the House with the recommendation that it be passed.

Section 1 of the bill is a verbal translation to the statutory laws of the United States of article 1 of The Hague treaty of December 21, 1904, relating to the exemption of hospital ships from dues and taxes, which was approved by the Senate on February 21, 1905, and proclaimed by the President May 21, 1907.

Section 2 authorizes the President of the United States to name by proclamation the hospital ships that shall be so exempted.

Articles 1, 2, and 3 of The Hague treaty of July 29, 1899, referred to in section 1 of the bill, define "hospital ships," national and private, and prescribe that they shall be provided with a proper certificate of their nature and mission.

The "principles of the Geneva Convention," referred to in the bill, are declared in the preamble of the convention to be "the desire to soften, as much as depends on them,[a] the evils of warfare, to suppress its useless hardships, and improve the fate of wounded soldiers on the field of battle."

The bill has been recommended by the Secretary of State, and in the opinion of the committee is necessary to carry out our treaty obligations.

[a] The signatory powers.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 534.

CALL FOR INFORMATION RELATING TO MURDER OF WILLIAM R. BOGGS, JR., AT TOPIA, MEXICO.

JANUARY 30, 1908.—Ordered to be printed.

Mr. COUSINS, from the Committee on Foreign Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. Res. No. 187.]

The Committee on Foreign Affairs, to which was referred the House resolution (H. Res. No. 187) requesting the Secretary of State to transmit to the House of Representatives all information at his command relating to the murder, on the 17th of November, 1907, at Topia, Mexico, of William R. Boggs, jr., an American citizen, and what steps, if any, he has taken to secure the apprehension and punishment by the Mexican Government of the persons guilty of said murder, having carefully considered the same, respectfully reports it adversely to the House, with the recommendation that it be laid upon the table.

In support of this recommendation the following letter from the Secretary of State is respectfully submitted:

DEPARTMENT OF STATE,
Washington, D. C., January 28, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, by which you inquire whether the passage of the resolution submitted on January 22, 1908, relating to the murder of William R. Boggs at Topia, Mexico, would in any way conflict with the public interest, and to say in reply that the papers in this case show that Mr. Boggs was murdered; that the two people who are supposed to have been principals in the crime are under arrest and will be prosecuted, and that certain others charged as accessories have been set at liberty.

The correspondence of [illegible] Department of State regarding the case is extended, and its publication at the [illegible] would seem to be inadvisable, owing to the fact that the matter is [illegible] Mexican courts.

Under these [illegible] that the public interest would not be forwarded [illegible] to which you refer while the criminal proceedings [illegible] before the Mexican courts. The case will [illegible] to the end that all proper measures [illegible] committed the murder and for the [illegible] deceased.

[illegible] servant,

ELIHU ROOT.

[illegible] *Representatives.*

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 535.

DAM ACROSS CHOCTAWHATCHEE RIVER IN DALE COUNTY, ALA.

JANUARY 31, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 6195.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report:

Amend the bill as follows:

Strike out all after the enacting clause and insert the following in lieu thereof:

That Andrew J. Smith and his associates, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Choctawhatchee River, about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark public road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June twenty-first, nineteen hundred and six.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 28, 1908.

Respectfully returned to the Secretary of War with recommendation that the accompanying bill, H. R. 6195, Sixtieth Congress, first session, to authorize the construction of a dam across the Choctawhatchee River, be amended as indicated in red thereon.

As thus amended I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *January 29, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 536.

INVITING FOREIGN GOVERNMENTS TO SEND REPRESENTATIVES TO INTERNATIONAL CONGRESS ON TUBERCULOSIS, WASHINGTON, 1908.

JANUARY 31, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. FOSTER, of Vermont, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany S. C. Res. No. 5.]

The Committee on Foreign Affairs, to whom was referred the Senate concurrent resolution (S. C. Res. No. 5) authorizing the Department of State to invite the governments of other countries, through their ministries, to send representatives to the National Congress on Tuberculosis to be held in Washington, September 31 to October 12, 1908, having had the same under consideration, report it back with the recommendation that the House do concur therein.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 538.

BRIDGE ACROSS PEND D'OREILLE RIVER, NEAR NEWPORT, WASH.

JANUARY 31, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HUBBARD, of West Virginia, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 2929.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 30, 1907.

Respectfully returned to the Secretary of War.

The accompanying bill, S. 2929, Sixtieth Congress, first session, to authorize the construction of a bridge across Pend d'Oreille River, near Newport, Wash., makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 621.

INVESTIGATION OF CONTROVERSIES AFFECTING INTERSTATE COMMERCE.

FEBRUARY 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 15447.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill provides for an arbitrary investigation of difficulties between employers and employees in cases where, in the judgment of the President, some great Federal interest is threatened or actually involved. It makes lawful, with protecting safeguards, the kind of action taken by President Roosevelt in connection with the settlement of the "coal strike" in 1902.

The power conferred by it will only be invoked in extreme cases where the public welfare is endangered.

It is believed that in every great strike or lockout one or the other of the parties is at fault, and probably both are in a degree wrong. In these contests the public has no voice, and owing to its ignorance of the causes and conditions it can not exert that sentiment which would be controlling in the controversies if it could be exerted.

That the public is vitally interested in the settlement of these disputes before irreparable injury is done it there can be no doubt. The bill would protect the rights of the parties not at fault by disclosing the actual causes, and at the same time the people, who are the real sufferers, would be protected.

The Com[illegible]n to be composed of men especially qualified to make the i[illegible]d it can not exist for a longer term than three mont[illegible]pedite the investigation and settle the controversy

The parties to the controversies are entitled to be represented by counsel during the investigations, so that the commission may be thoroughly familiar with all the facts and conditions and with their especial relation to the matters in question.

The commission is clothed with full power to make a complete investigation. After the investigation is completed the commission, from the information obtained, determines what, in its judgment, is the cause of the difficulty, locates the responsibility, and recommends a remedy. The report of the commission is transmitted to the President and by him sent to Congress.

The Commissioner of Labor is made ex officio secretary of the commission, and by him the records are to be preserved for reference by future commissions.

The compensation of the commissioners is fixed by the President, but shall not exceed $30 per day. The bill provides a remedy which is not furnished by existing law. The railroad arbitration act of 1898 applies only to controversies between railroad employers and their employees, and can be invoked only at the request of one or both parties. The people can not be heard in the matters in dispute.

The Bureau of Corporations can not reach the difficulties sought to be remedied by the bill.

Compulsory investigations and by the same board can not be as effectual in settling difficulties between capital and labor as a competent and impartial commission created to meet the exigencies and conditions of each particular case would be.

The Bureau of Corporations, if given the power conveyed on the commission in the pending measure, not only could not exercise it so effectively as the commission, but in exercising it the Bureau would be impaired in its influence and usefulness.

The recent telegraphers' strike emphasizes the need of this commission. Employers intent on forcing labor to submit to all conditions, right or wrong, which they may impose, and labor leaders who insist upon the right to inflict injury upon the public unless their demands are granted will oppose the measure. But honest and reasonable capital and labor demand only what is just, and will be pleased, it is believed, to have the whole case submitted to public opinion for judgment.

The bill provides a way for settling expeditiously and equitably those difficulties between employers and employees which involve the general welfare.

The object sought to be reached by this measure has the indorsement of the Commissioner of Labor, who believes legislation in this regard is imperatively needed for the public good.

Some of the reasons for the enactment of the proposed legislation are set forth in the following statement by Charles Francis Adams, who assisted in preparing the report of the unofficial commission appointed under direction of the President to investigate the anthracite coal strike in 1902. The statement was made soon after that strike was settled. Several occasions have arisen since the coal strike, including the recent telegraphers' strike, when a commission like that proposed by the bill was imperatively needed not only for the good of the parties directly involved and their families, but also for the protection of the public.

INVESTIGATION AND PUBLICITY AS OPPOSED TO "COMPULSORY ARBITRATION."

[By Charles Francis Adams.]

More than a year ago, during the great steel strike of August, 1901, I prepared a communication, setting forth certain Massachusetts experiences during previous similar troubles as being worthy of consideration. They suggested a possible solution, practical in character, of what are known as "labor troubles"—the conflicts between employer and employee which result in strikes and tie ups. Printed in various papers, this communication caused at the time some discussion. More recently I have been applying the experience then set forth, and the principles advocated to the existing and more serious complications which have since arisen. I have also been in communication with Col. Carroll D. Wright and Mr. Henry Cabot Lodge, one of the Senators from Massachusetts, discussing the facts and theories involved, with a view to what may be considered an outcome based on the systems, political and constitutional, as well as the labor conditions and the social and industrial organizations existing to-day in the United States. With a view to ultimate satisfactory results, the effort has been to recognize facts and to make action conform to them. My purpose to-day is to set forth as briefly as possible the conclusions so far reached.

In the communication referred to I first called attention to the nearest approach to a practical solution of the labor problem in accordance with American conditions, ideals, and traditions which has, so far as I know, yet been devised and put in use. And in making this statement I lay emphasis upon the word "American," for I hold it to be quite useless to take a system, whether purely ideal and theoretical or even in other countries practicable, and apply it generally. The first essential to success in constructing or developing any system of laws is that such system shall be in conformity with the conditions, ideals, and traditions of the community for which it is designed. To ignore them, much more to run counter to them, is to court failure at the outset. As Alexander Hamilton said more than a century ago of the United States Constitution, "A government must be fitted to a nation much as a coat to the individual; and consequently what may be good at Philadelphia may be bad at Paris and ridiculed at Petersburg." In like manner a system of legislation designed to regulate the relations of labor and capital may work well in Australia, but it by no means follows that a similar system would work well in Great Britain or Germany, and a system which might be practical, if not reasonably satisfactory, in Bohemia and Austro-Hungary would almost surely prove quite otherwise in the United States.

This I am well aware is a commonplace, almost, indeed, a platitude. And yet it is necessary to premise it carefully, for just so long as men are what they now are unusual exigencies will, under any system of government, from time to time arise, but when such do arise it is always very noticeable how the air is at once filled with suggestions of remedy, either quite untried or borrowed from other lands. And such are recommended for immediate adoption, wholly regardless of our Constitution, laws, political organization, or the spirit of our industrial development. This is empirical, and in these matters conspiracy is, of all things, to be shunned.

I come now to the experience I have referred to. There is in the State of Massachusetts, and has been for over thirty years, a board of railroad commissioners. In the history of that board there was one important but now quite forgotten incident, from which a highly suggestive lesson may be drawn. It occurred twenty-five years ago. The Massachusetts railroad commission was organized on the theory that in adjusting matters of difference between the community and its railroad corporations the vesting of arbitrary power in such a tribunal was a hindrance to it rather than a help, for the reason that in America force is in the long run less effective in producing results than investigation and subsequent well-considered recommendations based thereon. The appeal was in every case to be made to reason and public opinion, and not to the sheriff or the soldier. Accordingly, in the event of differences between the corporations and their employees, even those resulting in strikes and tie-ups, the commissioners had no executive power. It was their duty, in a general way, to take official cognizance of the fact when the community was sustaining an injury or an inconvenience and to investigate the causes thereof. Having so investigated, the board was empowered to locate the responsibility for the injury and inconvenience and to make its recommendations accordingly, but those recommendations had merely a moral force. They could be addressed to the parties concerned and to public opinion only. Their effect, greater or less, was measured by the justice and good sense impressed upon them. The commissioners, moreover, disavowed any wish to be clothed with larger powers. They feared the possession of such powers. They were persuaded they could in the end accomplish more satisfactory results without them.

This theory was soon put to a test. At 4 o'clock in the afternoon of the 12th of February, 1877, all the locomotive engineers and firemen in the employ of the Boston and Maine Railroad Company stopped work in a body, abandoning their trains. The move was not altogether unexpected, but the operation of the road was seriously interfered with. The commissioners did not at first intervene, neither party calling upon them. Indeed, both parties were unwilling so to do, for each was apprehensive, apparently, of adverse action. During several days, accordingly, the commissioners preserved an attitude of silent observation. After the lapse of a reasonable period, however, the board concluded that it was plainly time to recognize the fact that the public was suffering serious inconvenience; for then the Boston and Maine Railroad was, as it still is, one of the principal arteries of eastern New England. The president and directors of the company and the employees of the Brotherhood of Locomotive Engineers were accordingly notified that the board proposed to take a hand in the business. This it proceeded to do. An immediate investigation was notified. Both parties appeared—for, without confessing itself in the wrong, neither party could well help so doing—and professed a perfect willingness to submit their cases. No suggestion of a readiness to abide by any decision that might be given thereon was either asked for or given; but the board proceeded to hear witnesses and to elicit the facts. The inquiry was continued through three days; and, on the 21st of February, the report of the board was made public, appearing in full in all the newspapers of that date. In it the commissioners, after carefully and judicially sifting out the essential facts from the evidence submitted, placed the responsibility for the trouble where the weight of evidence showed it belonged, and thereupon proceeded to make such recommendations as in its judgment the exigencies called for. The effect was immediate. An authentic record was before the community, and public opinion, crystallizing, made itself decisively felt.

It is not necessary to enter further into the history and merits—the rights and the wrongs—of that particular struggle. My object is merely to call attention to what was then done, and done successfully, as constituting the nearest practical approach consistent with our American political and social system to what is known as "compulsory arbitration." It was compulsory inquiry only; and an appeal thereon to the reason and sense of right of all concerned. Reliance was placed in an enlightened sense of right of all concerned, and an informed public opinion.

Here, then, is a system. Under it a public tribunal is provided; that tribunal takes official cognizance of what is notorious; and, when either the peace or the business of the community sustains prejudice or is gravely jeopardized it becomes its duty to intervene. It intervenes only for the purpose of obtaining the information necessary to enable it to form a clear, judicial opinion. It then sets the facts before the community, and makes its recommendation. It locates responsibility. There it stops; for it can compel obedience on neither side.

Now, let us apply this proposed system to the conditions which, for the last eight months, have existed in the anthracite coal regions. Let us assume that provision by law existed under which the Executive, either national or State, was empowered and directed to appoint such a board pro hac vice, calling it into existence to meet a sudden emergency. The chances, I submit, are at least nine out of ten that, if such a machinery had existed, and had been judiciously employed either by the governor of Pennsylvania or the President of the United States, a practical solution of the difficulty which for the last eight months has harassed the country would have been reached. The community began to sustain grave prejudice at an early stage of the troubles. The resulting injury became more and more flagrant as the weeks passed by. The continuance of such conditions not only was injurious to private interests, but, as we all know, the public peace itself was involved. Under such circumstances, experience shows that neither party will, for obvious reasons, voluntarily call upon a board or commission to intervene; for such action is tantamount to a confession of weakness. Both will look at it askance. It must rest, therefore, in the discretion of the Executive to decide whether a case has arisen which calls for public initiative, the public being a third party to the controversy. That it is such, it is impossible to deny. It therefore has rights and interests—a standing in court. It having been decided, in the exercise of a sound discretion, that circumstances call for this third party to act, the Executive gives notice to all concerned that, at the proper time and place, it is proposed to enter upon an investigation. If both parties see fit then to appear and submit evidence as to the facts, that evidence becomes public property. If one party appears, the other absents itself at its peril. Should neither party appear, producing authentic documents and putting in a case, the board would proceed to enlighten itself through all other accessible means. In behalf of the third party to the controversy, of which it is the representative, it should be empowered to summon witnesses and to enforce the production of documents. Having completed

its investigation, it would then make its recommendations definitely, and, if it knows its business, concisely, locating responsibility where the evidence shows it belongs. A practical solution of the trouble, such as would naturally commend itself to the judgment of an unprejudiced tribunal would be pointed out. A solution of that sort always exists. This report would be transmitted to the appointing power, whether President or governor. By him it would then be communicated to the parties in interest, including the public; and, in due time, submitted to Congress, or the State legislature, always with such enforcing or qualifying recommendations as might commend themselves to executive judgment. The report so made would carry with the public and with the parties concerned exactly that degree of weight its judicial character and reasoning might impart to it—that, and nothing more. It could not be enforced by any governmental process. There would be neither sheriff, nor posse comitatus, nor military force, behind it. But, if well reasoned and impartial, it would bring to bear the moral weight of an enlightened public opinion.

Did such a machinery as this exist, simple and advisory only, it is not unsafe to say that it would prove adequate for the settlement of nine complications out of ten. In the case of the anthracite strike, for instance, if the Commission since appointed by President Roosevelt could have been appointed four months sooner, while the conflict was in the earlier stage of development, its report would have afforded to one or both parties concerned an opportunity to withdraw creditably from a position which afterwards, for at least one of them, became false and consequently perilous. What the country has needed is light—the possession, if not of undisputed facts at least of an authentic statement of the facts in dispute. Had these been spread upon the record and submitted for public consideration it could hardly be otherwise than that recommendations firm, judicious, and reasonable, based thereon, would have sufficed to remove from the path the impediment of false pride—that stumbling block in the case of nine strikes out of ten. An opportunity of gracefully receding would have been offered to one or both parties concerned. Should either party have then insisted, in the face of light and reason, the responsibility for obstinate insistence would have been upon its head. In the United States public opinion has in such cases a very summary, as well as effective, way of enforcing its own process. An excellent and sufficient example of this was furnished in the sudden change of front on the part of one of the parties to the present anthracite complication, executed in the face of a rapidly rising popular sentiment. Persistence was felt to involve too much risk. It would be so in the great mass of these cases. They are preventable. But what is wanted for their prevention is not force, but light and guidance.

This generally acknowledged fact to the contrary notwithstanding, it is singular to note, when any controversy arises, how such a method of settlement as that here proposed is at once set aside as being inadequate and unworthy of consideration, because behind it there is no constable's club or soldier's bayonet. In fact, however, the word "compulsion" has an unpleasant sound to Americans. In theory only is the thing itself popular. With us the final appeal must always be to reason; and public opinion enforces the edict of that appeal. In every field of legislation this has been again and again illustrated; and yet the appeal to reason, as now here made, is almost as invariably as contemptuously dismissed from consideration on the ground that there is behind it no force to compel obedience.

It is this tendency to compulsion against which, I submit, it is the especial function of the Civic Federation to protest. We should lay emphasis on the fact that our appeal is to reason and not to force. The difficulty with the federation is not want of power, but want of official standing. It is a volunteer. At no time, for instance, during the last six months could it enter the field as representing the executive of either State or nation; and had it entered the field on its own initiative only it would have been in imminent danger of incurring the contempt not only of both parties to the controversy, but of the public itself. It has, therefore, been compelled to inaction—a purely waiting attitude. This fact in itself discloses a want. A piece of machinery is lacking.

But it is argued that such boards already exist and the results of their efforts have not proved satisfactory. This assumption I deny, and on broad grounds. When such large interests are involved, as, for instance, in the strike in the anthracite coal region, represented by men of capacity on each side, to deal effectively it would be necessary for the community to have the power of availing itself of the services of the very best men and those of the highest character and authority at its command. If it speaks at all, it should speak adequately. If in June it had been the duty as well as within the power of the President or of the governor of Pennsylvania, recognizing that the public interests and convenience were involved and that lasting injuries might be entailed, to take cognizance of the situation in the anthracite region, it sho[illegible] under the system proposed have been the duty of either executive

to call upon the very strongest men in the community—those of highest character and most intimately acquainted with every condition involved. No man in the country so called upon could have refused to serve; yet such men will not accept, nor should they be expected to accept, merely salaried positions, permanent in character, on a board of subordinate importance.

The machinery now suggested should, moreover, be reserved and brought into action only in special exigencies. It is not designed nor is it adapted to everyday use. In that field the existing boards are doing good service, and doing it sufficiently well, but for obvious reasons they are not equal to the exceptional occasions. They occupy the positions of municipal courts, but where grave problems of constitutional law present themselves such are not referred to police magistrates for decision, nor would the decision of those magistrates if rendered upon them carry the necessary weight. Exceptional cases can only be dealt with exceptionally. Fortunately they do not arise often. In the field of labor complications, for instance, two only have occurred during the last eighteen months. But they unquestionably will recur periodically in the future, and when they come their presence is unmistakable. It would then be for the executive, State or national, to take cognizance of what is apparent and to set in motion the special machinery designed and held in reserve for that exigency.

It is equally futile to say that the parties concerned, unconsenting thereto, might decline to appear before such a commission. In such a case the commission would simply proceed with its inquiry in the absence of such party or parties. With the power of summoning witnesses and compelling the production of books all necessary information would be accessible to it. But the parties could not refuse to appear. They would not dare to refuse.

Finally, the report of such a tribunal, addressed to its appointing power, would be like the decision of a high court of justice on an abstract point of constitutional law of the first magnitude. Read by every one, if the decision were weak or bore in it signs of prejudice or interest it would, falling dead, fail to influence public opinion. Equally, if handled with a firm and intelligent grasp it would carry conviction. That conviction when so carried is in this country irresistible. It in the end makes opposition confessedly factious.

The trouble with us is that we are always prating of the force of public opinion, but when the exigency arises we evince no confidence whatever in it. Like a parcel of children, we are apt to cry out for the master to come in and enforce instant obedience with the rod. I submit that permanent results with us in America are not reached in that way. Let us in this matter have the courage of our convictions.

I have already expressed my belief that if such a system as I have here suggested could be brought into being through a very simple act of legislation, which, open to no constitutional or other objection, would be in entire accord with our industrial system, our traditions, and the American ideals, it would settle nine matters of controversy which arise out of ten. I now further submit it is highly desirable from every point of view that the tenth case of controversy should not be settled, but should be fought out. In the practical affairs of life, as we all know, it is necessary now and then that the fight should be to a finish. Our own civil war was a case in point. No arbitration ever could have settled that; no appeal to reason would have produced conviction. The issue had to be fought to the bitter end. That it was so fought we are now all grateful, though at the time the demand was loud and incessant for some compromise—any close to the "useless, the suicidal strife." This exceptional case, however, by no means brought the principles of arbitration and reasonable adjustment into discredit and consequent disuse. On the contrary, they have grown stronger ever since, securing more and more hold on public opinion. What is necessary, in my judgment, is to organize that public opinion and, when organized and made effective, to rely on it to produce all desirable results in the average case. But it can only be organized by bringing it to bear through the medium of capable men thoroughly informed upon the special matter under discussion and competent to express courageous opinions clearly. The tribunal doing this should then dissolve. It should not continue in existence the target for criticism, partisan discussion, and popular odium. Should a new case arise, another tribunal of a similar character would at the proper time be called into being to deal with it in its turn.

Sound and fruitful legislation can not, moreover, be improved. It is idle to talk in language as empty as it is grandiose of "curbing," or regulating by any patented method, potentates and power of such large, and yet vague, character as those that labor and capital are now continually bringing into the field. A governmental regulation which shall deal satisfactorily with them must rest upon a broad and well-considered basis of experience. It would be the natural outcome of a series of reports

of tribunals such as that suggested. It is equally futile to suppose that this labor contest in which we have been engaged and of which we have so long experienced the inconvenient results is going to be settled in a day, or an hour, or next year, or within the next ten years. It will continue with us during the remainder of our lives, and with our children after us; but we will slowly and tentatively approximate to satisfactory results. Under these circumstances, if a solution, represented by a proper legislative and administrative machinery, is ever to be evolved, it must be evolved from a series of wearisome investigations, and reports thereon, no less judicial and well considered than that body of great opinions from which the present Constitution of the United States has been slowly built up and rounded out.

In the case of the National Executive some question has been raised as to its functions and powers, in view of our constitutional system and the reserved rights of the States. I can not, however, see that this enters into the present question or what is now proposed. It is certainly the duty of the President to inform himself upon all questions relating to the carriage of the mails and to the movement of commerce, whether foreign or interstate. Questions of revenue are involved; questions affecting the transportation of material, men, and supplies may be involved. To inform himself he should be empowered to appoint agencies competent to investigate and report thereon. It is not now proposed to clothe him with any power in these exigencies, except that of receiving a report, forwarding it to the parties involved, together with his own recommendations, and then submitting the same to Congress. To give the President power to intervene by any Executive act of a compulsory character, would, in my opinion, jeopardize at the beginning every desirable ultimate result of the experiment proposed. Congressional action is always in reserve, but even Congressional action ought to be intelligent, and to be intelligent it should be well considered—based on a considerable body of facts judicially ascertained. The judicial ascertainment of facts and the study of principles involved therein is therefore what the occasion immediately demands. Sound remedial legislation will in due time result therefrom. But at present the chances are enormous that crude and precipitate effort at a compulsory betterment of existing conditions would only make what is already quite sufficiently bad distinctly worse.

As the result of my conversation with Colonel Wright and Mr. Lodge, I have undertaken to draw up a simple act in few sections, based upon the foregoing principles and looking to the results indicated. It could be passed, mutatis mutandis, by any State legislature or by Congress. It would contravene no constitutional provision or private right, but simply secure to the community—the third party involved in every controversy of this sort of any magnitude—the right to get at the facts in dispute, and after so doing to bring to bear an intelligent pressure of its own, looking to a reasonable solution of troubles sure hereafter to arise. Such an act has accordingly been prepared and is subjoined hereto.

VIEWS OF THE MINORITY.

We do not agree with the majority of the Committee of Interstate and Foreign Commerce in the report on the bill "To provide for the investigation of controversies affecting interstate commerce, and other purposes."

The bill in effect practically results in compulsory arbitration. It relies upon a manufactured and unsafe opinion, induced by circumstances, to coerce a party into submission. We earnestly believe that under our republican form of Government any kind of force in the long run is less effective in producing desirable results in controversies or strikes than voluntary consultation and deliberation. We believe that the best results achieved in matters embraced in this bill is by an appeal to reason and a fairly formed public opinion and not to the powers of a commission bristling with penalties and fines.

Power given in section 6 of this bill to the commission to appoint "experts with authority to examine accounts, books, or official reports, or to examine and report on anything material to the investigation in which such an investigation and report may be deemed of substantial value" is too broad and is undoubtedly inquisitorial in its character. No legitimate and lawfully conducted business would be free from the searching examination of its private business affairs. It would be a dangerous weapon in the hands of a rival to destroy his competitor in business.

The sophistry of the bill is manifest in this: That the President should invoke the power given him when a controversy or dispute arises which affects "the transportation of the United States mail." It is known to everyone that the statutes of the Government are most ample in power and in penalties to guard against any interference with the transportation of the United States mails. Any interference with the movement of our mails, as has been demonstrated in the past few years of the history of our country, by controversy, strike, or otherwise, can be promptly and efficiently met by the strong arm of the Government. The President needs no commission to advise him when the "civil or military" operations of the Government are being interfered with or interrupted.

We object to the bill because in theory it proceeds upon false premises. We do not believe, as the bill contends, that all controversies and strikes are unjustified, wrong, and unnecessary. No one can hardly be found who will contend that all disputes, controversies, or strikes between employers and employees are unnecessary, unjustified, and without beneficial results, but yet this bill provides in section 7 that the commission appointed by the President should recommend such legislation as will "put an end to such controversy and disturbance as will prevent a recurrence thereof, suggesting any legislation

which the case may seem to require." If the strike and controversy was of benefit, as certainly is the case sometimes, then why invoke legislation to prevent a "recurrence?"

We contend that ample authority and provision to make investigation and develop facts in connection with controversies and disputes provided for in this bill is vested in the Commission of the Bureau of of Corporations, in the Department of Commerce and Labor, and there is no occasion to duplicate this work and expenses incident thereto when ample authority under the statute already exists.

We contend that while in name this bill does not appear to favor compulsory arbitration of disputes between employer and employee, it is intended to accomplish that result and might as well bear the title.

We do not see how Congress has the power to grant to a commission, not judicial in its nature, and which commission is not given any authority or power to render judgment between parties interested, but simply to investigate the facts and report them to the President, can invest such a tribunal with power and authority to compel the attendance of witnesses and to apply to the courts of the country to enforce its purposes. The bill does not give the commission power to enforce its process or purposes by summons or subpœna of itself, yet the bill does give the commission power to ask aid of the United States courts so to do. We do not believe that the court under the Constitution can be given the power to exercise such prerogatives as this, which means the forcing of individuals or artificial persons, whether employees, employer, or employers, to submit to an investigation at the hands of such a commission, which is not judicial and which is not clothed with any power by the Congress. If this can be done, then there is no unbridled length to which Congress may not go in interfering with or investigating the individual affairs of the citizens of the country.

This bill, if enacted into a statute, will be detrimental to the exercise of the perogatives of the courts of the country.

We contend that the fundamental idea prevailing on the subject of arbitration or conciliation of differences between parties is the idea of voluntary submission, not forced submission, either directly or indirectly. Whenever parties in a civilized community can not by themselves adjust their differences or have them adjusted, then the only tribunal in a government of law and order that should determine the difference is the courts of justice in our country.

The authority given the commission under this bill applies as much to disputes about wages or other differences arising between parties engaged altogether in agricultural pursuits as it would apply to a strike similar to the Pullman strike which took place some years ago or to the anthracite strike of 1902. It can readily be comprehended how a dispute arising between the farmer and his laborers about wages could fall under the jurisdiction of the commission provided for in this bill, because it could be easily demonstrated that the products of the farm enter into the interstate commerce and constitute a part thereof.

One of the greatest evils menacing to-day the peace of the country Federal and State interference with the individual rights and erest of the citizen. It is to the best interest of the people that the

Federal Government should not invoke its authority except on well-defined, well-established lines looking to the preservation of peace and the interest of the people throughout all the country.

WILLIAM H. RYAN.
WILLIAM RICHARDSON.
R. C. DAVEY.
W. C. ADAMSON.
C. L. BARTLETT.

VIEWS OF MR. LOVERING.

The bill reported by the majority of the committee, in that it practically provides for compulsory arbitration, threatens the personal liberty, which under the Constitution is the inalienable right of every American citizen.

Neither employer or employee calls for such legislation.

When a controversy reaches such proportions as to be a public menace there is already law enough and Executive power enough to meet the situation.

The bill looks to further indefinite legislation with the purpose of compelling submission to the findings of a commission.

I therefore respectfully dissent.

WM. C. LOVERING.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 623.

PENSION APPROPRIATION BILL.

FEBRUARY 4, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KEIFER, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 16268.]

The Committee on Appropriations in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1909 submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 293 of the Book of Estimates for 1909 and amount to $151,043,000.

The accompanying bill appropriates $150,869,000.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909:

Title of expenditure.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Payment of pensions	$145,000,000.00	$150,000,000.00	$150,000,000.00
Fees of examining surgeons	600,000.00	500,000.00	500,000.00
Salaries of agents	72,000.00	72,000.00	4,000.00
Clerk hire at agencies	435,000.00	435,000.00	335,000.00
Stationery and other necessary expenses	80,000.00	80,000.00	80,000.00
Rent	4,500.00	4,500.00	.....
Examination of pension agencies	1,500.00	1,500.00	.....
Total	146,143,000.00	151,043,000.00	150,869,000.00

The following table, taken from the report of the Commissioner of Pensions, shows the amounts paid by the Government in pensions to soldiers, sailors, and marines, their widows, minor children, and depend-

ent relatives, on account of military and naval service since the foundation of the Republic:

Total disbursements for pensions for all wars and for Regular establishment.

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (on account of service without regard to disability)	45,625,899.24
Indian wars (on account of service without regard to disability)	8,822,387.20
War with Mexico (on account of service without regard to disability)	39,397,733.57
War of the rebellion	3,389,135,449.54
War with Spain and insurrection in the Philippine Islands	18,909,512.43
Regular establishment	9,864,344.67
Unclassified	16,260,397.04
Total disbursements for pensions	3,598,015,723.69

There is now living no soldier or soldier's widow of the Revolutionary war, and there is no pensioned soldier living of the war of 1812, but there was at the end of the last fiscal year (1907) on the pension rolls 558 widows of soldiers of that war. The last survivor of the war of the Revolution was Daniel F. Bakeman, who died in Freedom, Cattaraugus County, N. Y., April 5, 1869, aged 109 years 6 months and 8 days; and the last surviving widow of that war, Esther S. Damon, died at Plymouth Union, Vt., November 11, 1906, aged 92 years. There are still three daughters of soldiers of that war on the pension rolls by special acts of Congress.

The United States has been liberal to the soldiers and sailors of our wars prior to the civil war. The Commissioner of Pensions reports that prior to June 30, 1907, there was issued bounty-land warrants, excluding those issued under special acts of Congress and on account of Virginia military-land grants satisfied by the United States after the cession by Virginia of the Northwest Territory (1784), under the several acts of Congress, in number and of the acreage given in the following table:

Grade of warrants.	Number.	Acres.	Remarks.
War of the Revolution	16,663	2,666,080	Now obsolete.
War of 1812	29,471	4,891,520	Do.
Act of 1847	88,274	13,213,640	
Act of 1850	189,145	13,168,480	
Act of 1852	11,992	694,400	Superseded by act of 1855.
Act of 1855	263,106	34,152,190	
Total	598,651	68,786,310	

The disbursements for pensions by the United States from July 1, 1790, to June 30, 1865, just after the close of the civil war, aggregated $96,445,444.23. The disbursements for pensions since June 30, 1865, to the end of the last fiscal year, June 30, 1907, was $3,501,570,279.46, and the cost of the maintenance of the pension system for the same period was $110,051,513.73.

Recent acts of Congress have facilitated the granting of pensions by the Pension Bureau. General Orders, No. 78, issued March 15, 1904, took effect April 13, 1904, and provided that in the adjudication of pension claims under the act of June 27, 1890, as amended by the act of May 9, 1900, it should be considered an evidential fact, if the contrary did not appear and other requirements existed, that when the

claimant had reached the age of 62 years he would be held to be disabled one-half in ability to perform manual labor and entitled to be pensioned at $6 per month, after 65 years at $8 per month, after 68 years at $10 per month, and after 70 years at $12 per month. The acts of April 24, 1906, and March 4, 1907, provided that claimants, after reaching the ages just given, should be regarded as permanently disabled to the extent just stated within the meaning of the pension laws and no medical examinations were required of claimants of this class. The order and these acts are largely superseded by the act of February 6, 1907 (the McCumber Act), which grants to this class of claimants who have reached 62 years of age $12 per month, 70 years $15 per month, 75 years or over $20 per month, to commence from date of filing the application. No medical examination is required of the applicant and no pension attorney or claim agent is entitled to receive any compensation for services in securing a pension under this act. The first certificate was issued under this act February 14, 1907, seven days after its passage, and by the end of June, 1907, there were issued under it a total of 120,355 certificates, 118,160 of which were to survivors of the civil war and 2,195 to survivors of the Mexican war. Of the total number 624 died before the end of the last fiscal year.

The large number of pension certificates issued under the McCumber Act in the last fiscal year did not increase greatly the total number on the pension rolls. The greater part of the applications were for an increase only. On June 30, 1907, there were 116,239 pensioners on the roll under the act of February 6, 1907, and yet the whole number of original certificates of all classes and under all acts for the preceding fiscal year was only 29,945.

The Commissioner of Pensions expresses the opinion that by the close of this (1908) fiscal year all pending claims under the McCumber Act will be adjudicated, leaving the Bureau only the duty of settling claims of such as may in future attain the ages specified in the act.

The increase in the annual value of the pension roll as it stood at the end of the fiscal year 1907, by reason of claims allowed by the act of February 6, 1907, would be $6,394,517 if it retained its status as to number, but it is subject to increase by allowance of additional claims and to reduction by deaths and other causes.

The total number of certificates issued under the McCumber Act prior to January 1, 1908, is 281,475, which increased the annual value of the pension roll $15,018,300, and the Commissioner of Pensions estimates a further increase by claims yet to be adjudicated under that act; but this increase is, of course, subject to large reductions by deaths and other causes. Already more than 4,000 pensioners under the McCumber Act have been dropped from the rolls on account of deaths alone, and the Commissioner of Pensions expresses the opinion that the death rate of such pensioners will be about 1,000 per month.

Although the number of clerks in the Pension Bureau was 150 less in the fiscal year 1907 than in the previous year, the applications for pensions filed in the fiscal year 1907 were 440,517 and in the fiscal year 1906 only 201,322, and the cases adjudicated in 1907 were 302,714 and in 1906 only 226,690.

There were pending applications for pensions of all classes at the close of the fiscal year 1907 to be adjudicated 356,181. They are being settled at the rate of about 30,000 per month.

On January 31, 1905, the number of pensioners on the roll was 1,004,196, the highest number ever reached. On June 30, 1906, the number had fallen to 985,971, and notwithstanding the large increase on account of the act of February 6, 1907, the number went down to 967,371, a net decrease of 18,600, the greatest for many years. The number remaining on the roll June 30, 1907, is the smallest since 1893.

During the fiscal year 1907 there were 31,201 deaths of the civil-war pensioners, leaving still on the pension roll, survivors of that war, 644,338. In the previous fiscal year (1906) the deaths of civil-war pensioners were 29,208.

The total decrease in the pension roll in the fiscal year 1907 from all causes is shown by the following table:

Decrease in pension roll during fiscal year 1907.

Death	45,768
Remarriage	1,136
Legal limitation (minors)	1,206
Failure to claim for more than three years	1,019
Other causes	505
Total	49,634

The total additions to the pension roll during the same year, including restorations and renewals, was 31,034, the net decrease being 18,600, as stated. The total number of pensioners on the roll during that year was 1,017,005.

The disbursements for all pensions in the last fiscal year (1907) were $138,155,412.46, of which $4,248,711.80 were for navy pensions, a portion of which ($361,405.01) was reimbursed the Government from interest on the navy pension fund. That interest is made applicable to the payment of navy pensions in the 1908 and will be in the 1909 fiscal years.

The cost of maintenance and expenses for the last (1907) fiscal year was $3,309,110.44, making the total expended in that year on account of pensions $141,464,522.90

The appropriations for and on account of pensions for this (1908) ficals year are $145,000,000, and the estimates for the next (1909) fiscal year are $150,000,000.

The committee bill appropriates the total sum estimated.

The bill also gives the estimate of $500,000 for fees and expenses of examining surgeons. The fees for each member of the examining board is raised from $2.00 to $3.00 for the examination of each applicant whenever five or a less number shall be examined on one day, and $3.00 when the examination is made by one surgeon; and the bill provides that the fee for each examination at the claimant's residence, provided his residence is outside of the corporate limits of the place of the regular meeting of the board, shall be $5.00 in addition to the payment of the actual traveling expenses of the surgeon. These changes are believed to be in the interest of the Government by enabling it to secure a high class of surgeons.

The bill provides for the payment of the salary of one pension agent at $4,000. This is in accordance with the recommendation of the Secretary of the Interior (Mr. Garfield), concurred in by the Commissioner of Pensions (Mr. Warner), made pursuant to a proviso in the pension appropriation act approved March 4, 1907, which reads as follows:

That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies.

In compliance with said provision the Secretary of the Interior has submitted a report in House Document No. 352, of the present session, showing that a consolidation of the present 18 pension agencies into 1 agency, or as he suggests placing the payment of all pensions under the Commissioner of Pensions through a disbursing officer at Washington, would result in a saving of $200,000 in expenses the first year and annually thereafter of not less than $225,000; that under such a consolidation all pensioners could be paid as promptly as they are now paid by 18 agents, and without inconvenience to the pensioners.

The foregoing views of the Secretary were strongly reenforced by statements made by him and the Commissioner of Pensions before the committee. These statements will be found in printed hearings.

The establishment of a disbursing officer under the Commissioner of Pensions at Washington instead of the existing 18 agencies throughout the country for the payment of pensions would involve a change of existing law, and is therefore not recommended in the accompanying bill, but instead the committee recommends appropriation for only one agent for the payment of pensions, and, if that is approved by the House, at another point in the bill, as indicated in this report, is submitted for consideration the necessary authorization to enable the Secretary to put into effect the suggestions he has made in said document, and that will eventuate in an annual saving of not less than $225,000.

The law (Rev. Stat., sec. 4780) authorized the President of the United States to establish agencies for the payment of pensions and an act of March 3, 1885 (U. S. Laws, vol. 23, p. 262), fixed the salary of pension agents at $4,000 per annum.

Under these laws the existing pension agencies can be disestablished and only one continued, as the Secretary and Commissioner recommend, presumably with the President's assent. The immediate saving will be $68,000 on salaries of pension agents, $4,500 on account of rent of offices for the New York agency, and for clerk hire $100,000 for the first year, and $1,500 for examination and inspection of agencies.

The bill reported herewith proposes to appropriate $335,000 for clerk hire instead of $435,000 appropriated for that purpose this and the preceding fiscal year and estimated as necessary for the fiscal year 1909 on the existing plan, and the bill includes nothing for rent at the New York agency or for examination and inspection of agencies.

The committee concurs in general with the views of the Secretary and Commissioner as to the wisdom of consolidating the 18 pension agencies into 1 agency, or place of disbursements, to pay pensions under the Commissioner of Pensions.

(1) It believes the consolidation will result in the economic execution of the pension laws, and that the cost per capita to pay pensioners will be very materially lessened.

(2) In the prompt and efficient payment of pensioners; that the intervals in the payment of pensioners after the first payment made under the proposed plan will be the same as now.

(3) That there will be no serious, if any, inconvenience to pensioners in receiving their pensions, and in some cases payments will be expedited.

It has been found wise to provide in the past for the payment of all navy pensioners at the Washington agency residing in the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all residing in the present Knoxville agency. There is also now paid from the Washington agency all pensioners residing in foreign countries. They number 5,090 and reside in 67 foreign countries, and they were paid in the fiscal year 1907 a total of $724,434.10.

The pensioners residing in our insular possessions are also now paid by the Washington agency.

There will be but comparatively little new equipment required to pay all pensioners from Washington, and there is abundant room in the Pension Building for all the additional force required. It is believed there will be greater safety in keeping the records and in the transmission of vouchers, settlement receipts, etc.

There remains no longer any doubt that a more liberal widow's pension law will be passed, which will largely increase the value of the pension roll, probably $10,000,000. It therefore behooves the Government to economize wherever it can without injury to the deserving who should be pensioned. And where there is to be liberality let it be in granting pensions, not in the cost of paying them.

No new legislation or limitations on appropriations are recommended in the bill except the following:

On page 2:

The fees of each member of each pension examining board is increased from $2 to $3 for each examination whenever five or a less number shall be examined on any one day, and as to other examinations the following is proposed:

and the fee shall be $3.00 when the examination is made by one surgeon, and the fee for each examination at the claimant's residence provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board shall be $5.00 in addition to the payment of the actual traveling expenses of the surgeon.

On page 4:

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups as he may think proper; and he may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

In case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with

the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person appointed to act in his place.

The following table, compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of applications filed, and the number of claims allowed each fiscal year from 1879 to 1907, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed.	Total number of claims allowed.
1879	242,755	$25,493,742.15	$33,664,428.92	57,118	31,346
1880	250,802	25,917,906.60	56,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	50,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,664
1883	303,658	32,245,192.43	60,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,990,985.28	65,171,937.12	40,918	35,767
1886	365,783	44,708,027.44	64,091,142.90	49,895	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	56,707,220.92	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	106,094,250.39	105,044	66,637
1891	676,160	89,247,200.20	117,312,690.50	696,941	156,486
1892	876,068	116,879,867.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	139,807,788.78	45,361	39,185
1896	970,678	129,485,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	50,101
1898	993,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,052.95	53,881	37,077
1900	993,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,483.84	58,373	44,868
1902	999,446	132,152,800.00	137,504,267.99	47,965	40,173
1903	996,545	133,029,090.00	137,759,653.71	52,325	40,136
1904	994,762	134,130,203.00	141,093,571.00	55,794	44,296
1905	998,441	136,745,295.00	141,142,861.33	52,841	50,027
1906	985,971	136,237,749.00	139,000,288.25	37,212	34,974
1907	967,371	140,850,880.60	138,155,412.46	43,619	29,945

Full amount of fees paid to attorneys	$412,105.83
At the close of the year there remained unpaid 39,035 cases of all classes, on which the first payments due amounted to	704,729.65
Average value of first payments in original cases	105.81
Average value of first payments in original regular-establishment cases	120.75
Average value of first payments in original act February 6, 1907, cases	23.26
Average value of first payments in original general-law cases	115.87
Average value of first payments in original act June 27, 1890, cases	87.85
Average value of first payments in original war with Spain cases	235.27
Average value of first payments in increase and reissue cases	20.80
Average value of first payments in all cases	35.53

Average value of each pension for the last five years.

	1907.	1906.	1905.	1904.	1903.
Average annual value of each pension	$145.60	$138.18	$136.96	$134.84	$133.49
Regular establishment	173.12	173.35	174.19	173.09	.....
General law, civil war	204.20	191.43	187.51	180.58	176.16
Act June 27, 1890	112.32	114.33	113.20	110.00	108.82
War with Spain	127.19	127.33	127.90	132.18	137.25
Act February 6, 1907	170.09	.....	.....	.....	.....

REFERENCES.

Navy pension fund.—Section 4755 of the Revised Statutes provides that navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of navy pensions during the fiscal year 1907 aggregated $4,248,711.80.

Pension agents.—The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pp. 347 and 348), by the act of July 4, 1888, and by the act of March 3, 1885 (Statutes at Large, vol. 23, pp. 99 and 362).

Examining surgeons.—The compensation of examining surgeons is fixed at $2 for each examination by section 4 of the act of July 25, 1882 (Statutes at Large, vol. 22, pp. 175 and 176).

LAWS AUTHORIZING APPOINTMENT OF AGENTS FOR PAYMENT OF PENSIONS AND FIXING THEIR COMPENSATION.

[Revised Statutes, sec. 4780.]

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require, but the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall have not exceeded the sum of $500,000.

[Act of Mar. 3, 1885, Stat. L., vol. 23, p. 362.]

That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

EXTRACTS FROM REPORT OF COMMISSIONER OF PENSIONS, 1907.

[Page 10.]

Number of pensioners and amounts paid, fiscal year 1907, by pension agencies.

Location.	Name of agent.	Pensioners June 30, 1907.	Money disbursed in 1907.
Augusta	Selden Connor	17,303	$2,686,558.42
Boston	Augustus J. Hoitt	59,236	7,630,854.68
Buffalo	Charles A. Orr	45,069	6,176,347.15
Chicago	Charles Bent	75,099	10,691,686.14
Columbus	William R. Warnock	95,829	14,634,797.72
Concord	Grovenor A. Curtice	16,117	2,562,525.25
Des Moines	William V. Willcox	53,000	7,706,530.20
Detroit	Oscar A. Janes	40,685	6,352,187.88
Indianapolis	Albert O. Marsh	60,906	10,092,201.20
Knoxville	William Rule	63,890	8,545,151.74
Louisville	Andrew T. Wood	26,854	3,842,306.70
Milwaukee	Edwin D. Coe	48,843	7,018,817.72
New York City	Michael Kerwin	53,888	6,991,041.70
Philadelphia	St. Clair A. Mulholland	58,295	7,654,515.46
Pittsburg	Daniel Ashworth	44,496	6,287,191.48
San Francisco	Jesse B. Fuller	42,713	5,607,014.91
Topeka	Wilder S. Metcalf	111,508	15,807,638.24
Washington	John R. King	53,640	7,743,527.62
Total		967,371	138,030,894.22

[Page 22.]

Total disbursements for pension for all wars and for Regular establishment.

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (on account of service without regard to disability)	45,625,899.24
Indian wars (on account of service without regard to disability)	8,822,387.20
War with Mexico (on account of service without regard to disability)	39,397,733.57
War of the rebellion	3,389,135,449.54
War with Spain and insurrection in the Philippine Islands	18,909,512.43
Regular establishment	9,864,344.67
Unclassified	16,260,397.04
Total disbursements for pensions	3,598,015,723.69

Pensions paid on account of war with Spain and the insurrection in the Philippine Islands.

1899	$28,606.81	1905	$3,409,998.54
1900	332,905.25	1906	3,442,156.53
1901	1,175,225.76	1907	3,471,157.27
1902	1,738,446.28		
1903	2,204,084.21	Total	18,909,512.43
1904	3,106,931.78		

[Page 40.]

Agencies, dates of payment, and districts.

AUGUSTA, ME.

Quarterly payments March 4, June 4, September 4, and December 4.
District.—The State of Maine. Navy pensioners in this district are paid at Boston, Mass.

BOSTON, MASS.

Quarterly payments March 4, June 4, September 4, and December 4.
District.—The States of Connecticut, Massachusetts, and Rhode Island, and all navy pensioners residing in this and the Augusta and Concord districts.

BUFFALO, N. Y.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The counties in the State of New York not in the New York City district. All navy pensioners in the State are paid at New York City.

CHICAGO, ILL.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The State of Illinois, and all navy pensioners residing in this and the Columbus, Des Moines, Detroit, Indianapolis, Louisville, Milwaukee, and Topeka districts.

COLUMBUS, OHIO.

Quarterly payments March 4, June 4, September 4, and December 4.
District.—The State of Ohio. Navy pensioners in this district are paid at Chicago.

CONCORD, N. H.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The States of New Hampshire and Vermont. Navy pensioners in this district are paid at Boston.

DES MOINES, IOWA.

Quarterly payments January 4, April 4, July 4, and October 4.
Distri —The States of Iowa and Nebraska. Navy pensioners in this district are paid at

DETROIT, MICH.

March 4, June 4, September 4, and December 4.
of Michigan. Navy pensioners in this district are paid at

INDIANAPOLIS, IND.

bruary 4, May 4, August 4, and November 4.
Indiana. Navy pensioners in this district are paid at Chicago.

KNOXVILLE, TENN.

s February 4, May 4, August 4, and November 4.
of Alabama, Arkansas, Florida, Georgia, Louisiana, Missis-
South Carolina, Tennessee, and Texas. Navy pensioners in
at Washington, D. C.

LOUISVILLE, KY.

v 4, May 4, August 4, and November 4.
ky. Navy pensioners in this district are paid at

MILWAUKEE, WIS.

January 4, April 4, July 4, and October 4.
of Minnesota, North Dakota, South Dakota, and Wisconsin.
this district are paid at Chicago.

NEW YORK CITY, N. Y.

rly ts February 4, May 4, August 4, and November 4.
owing counties in the State of New York: Albany, Clinton,
Dutchess, Essex, Greene, Kings, Nassau, New York, Orange,
Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Suffolk,
Warren, Washington, and Westchester. The following counties in
Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth,
Somerset, Sussex, Union, and Warren; all navy pensioners in the
ork, and all pensioners residing in the island of Porto Rico.

PHILADELPHIA, PA.

Quarterly payments February 4, May 4, August 4, and November 4.

District.—The following counties in the State of Pennsylvania: Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming, and York. The following counties in the State of New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem, and all navy pensioners in the State of Pennsylvania.

PITTSBURG, PA.

Quarterly payments January 4, April 4, July 4, and October 4.

District.—The counties in the State of Pennsylvania not in the Philadelphia district. All navy pensioners in the State are paid at Philadelphia.

SAN FRANCISCO, CAL.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States; including all navy pensioners.

TOPEKA, KANS.

Quarterly payments February 4, May 4, August 4, and November 4.

District.—The States of Colorado, Kansas, and Missouri; and the Territories of the Indian Territory, New Mexico, and Oklahoma. Navy pensioners in this district are paid at Chicago.

WASHINGTON, D. C.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The States of Delaware, Maryland, Virginia, and West Virginia; the District of Columbia; all pensioners residing in foreign countries, and all navy pensioners residing in this and the Knoxville districts.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 624.

AUTHORIZING COMMITTEE ON EXPENDITURES IN DEPARTMENT OF AGRICULTURE TO SEND FOR PERSONS AND PAPERS.

FEBRUARY 4, 1908.—Ordered to be printed.

Mr. DALZELL, from the Committee on Rules, submitted the following

REPORT.

[To accompany H. Res. No. 219.]

The Committee on Rules, to whom was referred the resolution of the House numbered 122 have had the same under consideration and in lieu thereof report the following:

"*Resolved*, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to send for persons and papers in any inquiry within its jurisdiction."

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 625.

RESIDENT COMMISSIONERS APPOINTED BY PHILIPPINE ASSEMBLY.

FEBRUARY 4, 1908.—Ordered to be printed.

MR. DALZELL, from the Committee on Rules, submitted the following

REPORT.

[To accompany H. Res. No 220.]

The Committee on Rules, to whom was referred the resolution of the House numbered 190, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That the privileges of the floor with the right of debate be extended to the two resident commissioners appointed by the Philippine Assembly in accordance with the provisions of the act approved July 1, 1902."

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 635.

CHANGING SITE OF BRIDGE ACROSS MONONGAHELA RIVER AT MONONGAHELA, PA.

FEBRUARY 4, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13448.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsement attached and made a part of this report.

Amend the bill as follows:

At the end of section 1 add the following:

Provided, That the new bridge hereby authorized shall be completed within eighteen months from date of approval of this act, and the existing bridge shall be completely removed within six months thereafter: *Provided further*, That this act shall not be construed as nullifying the orders of the Secretary of War, issued under date of October tenth, nineteen hundred and six, to the commissioners of the counties of Allegheny and Washington, Pennsylvania, and the Williamsport Bridge Company, requiring the alteration of the existing bridge, but the said orders shall remain in full force and effect, and unless the new bridge is built and the present bridge is removed within the time specified in this act the aforesaid parties shall be liable to the penalties prescribed in section eighteen of the river and harbor act of March third, eighteen hundred and ninety-nine, for failure to comply with the lawful orders of the Secretary of War.

[First indorsement.]

WAR DEPARTMENT, *January 31, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, of yesterday's date, and copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 30, 1908.

SIR: I have the honor to return herewith a letter, dated the 15th instant, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon H. R. 13448, Sixtieth Congress, first session, a bill to authorize the construction of a bridge across the Monongahela River at Monongahela city, Pa.

The existing bridge at this point having been complained of as an unreasonable obstruction to navigation, the Secretary of War, in pursuance of the provisions of section 18 of the river and harbor act of March 3, 1899, caused notices to be served on the county commissioners of Allegheny and Washington counties, Pa., and the Williamsport Bridge Company, original owners of the bridge, requiring its alteration within two years from the date of service of notice.

Instead of altering the existing bridge, as required by the aforesaid order, it is understood that the owners of the bridge prefer to build a new structure at a point about 1,000 feet below, and the object of the bill under consideration is to authorize such construction. The proposition is not objectionable so far as navigation interests are concerned. In view, however, of the fact that the existing bridge is an unreasonable obstruction to navigation, and that a legal order has been issued for its alteration on or before October 17, 1908, I am of the opinion that the bill should be so amended as to lessen the time for completing the new bridge, and to preserve the legal effect of the said order. The desired amendments are indicated in red on the bill.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 636.

BRIDGE ACROSS SPOKANE RIVER NEAR COEUR D'ALENE, IDAHO.

FEBRUARY 4, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 15247.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second Indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 1, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 15247, Sixtieth Congress, first session, to authorize the construction of a bridge across Spokane River, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third Indorsement.]

WAR DEPARTMENT, *February 3, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 638.

DISPOSITION OF CERTAIN LOTS ON HOT SPRINGS RESERVATION, ARK.

FEBRUARY 4, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ROBINSON, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 15852.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 15852), to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, having had the same under consideration, respectfully submit the following report and recommend that said bill do pass.

June 16, 1880, Congress passed an act entitled "An act for the establishment of land titles in Hot Springs, and for other purposes," by the terms whereof the Secretary of the Interior was authorized to designate 6 lots of the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the city of Hot Springs, as sites for schoolhouses, to be used, controlled, and managed by the common school officers of the district in which they may be located, for such purposes only.

January 14, 1881, and February 19, 1881, the Secretary of the Interior, under the provision of said act, named the following lots: Lot 2 in block 72, lot 10 in block 48, lot 8 in block 93, lot 8 in block 146, lot 18 in block 135, lot 21 in block 138.

Subsequently Congress authorized the officers of said school district to sell lot 8 in block 93.

The school district of the city of Hot Springs have found it necessary to purchase other grounds as school sites much more valuable than any of the remaining lots, and have greatly improved the same, but have not found it practical on account of the situation of some of these lots to use all of them as schoolhouse sites. It is contemplated by this legislation that the board be permitted to hypothecate or sell these lots and to use the funds for school purposes. At present a building is being constructed at a cost of approximately $50,000. A

large number of people attracted by the city of Hot Springs by reason of the waters there, and who contribute little or nothing to the maintenance of the schools, avail themselves of school privileges, thus creating a great burden on the revenues. In a recent fire which swept a large part of the city, two of the school buildings, comparatively new, were destroyed. On one of these lots a school building has recently been constructed at a cost of several thousand dollars. Without this legislation it is impossible to dispose of any of the property to secure funds.

It is deemed proper that the school board of the city of Hot Springs should be vested with the title in fee to these lots to the end that they may pledge the same, or otherwise dispose of them, and use the proceeds in the construction and equipment of necessary school buildings and the promotion of the educational interests of the city of Hot Springs.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 639.

PROVIDING FOR THE HOMESTEAD ENTRY OF CERTAIN LANDS IN WASHINGTON STATE.

FEBRUARY 4, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of California, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 15859.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, having considered the same, respectfully report said bill with the following amendment:

At the end of section 3, on page 3, after the words "State of Washington," strike out the period and insert a comma in place thereof, and then add the following words, "upon payment therefor to the United States of two dollars and fifty cents per acre," and as thus amended that said bill do pass.

The lands described in this bill are two small abandoned military reservations situated some 5 or 6 miles west of the city of Tacoma, in Pierce County, State of Washington.

These reservations are known as abandoned military reservations Nos. 23 and 24. The total number of acres in both these abandoned military reservations is 1,249.20. The following statement shows the number of acres in each reservation and the number of settlers thereon:

Reservation.	Acres.	Settlers.
No. 23	637.20	32
No. 24	612	32
Total	1,249.20	64

It therefore appears that there are 64 settlers occupying 1,249.20 acres of land, which would be about 20 acres for each settler. As a matter of fact no one of these settlers occupies more than 20 acres, and several of them a trifle less than 20 acres.

It is the purpose of this bill to enable these 64 bona fide settlers on these lands each to secure title under the homestead act to the land occupied by him, not to exceed 20 acres to any one settler.

The provisions of this bill (H. R. 15859) can be briefly stated as follows: There are four sections in the bill.

Section 1 provides in substance for the survey by the Secretary of the Interior of these two military reservations and the division of the same into tracts of 20 acres each or less.

Section 2 provides that each bona fide settler on said lands at the date of the passage of the act shall have the right to file as a homestead on the particular tract occupied by him and prove up on the same under the homestead laws and by paying $2.50 per acre.

Section 3, the United States grants title to 20 acres of land in reservation No. 24 to the school district in which said land is located upon payment of $2.50 per acre therefor.

Section 4 provides that any surplus lands which may remain, upon which no bona fide settler may have filed, shall be disposed of by the Secretary of the Interior under the act of July 5, 1884, which is the existing law which applies to all abandoned military reservations.

It is deemed proper that a brief explanation should be included in this report explaining the propriety and the necessity of the passage of this bill, which explanation is as follows:

These two military reservations were established by Executive order of September 22, 1866. These two reservations were relinquished by the War Department by authority of Executive order of October 18, 1904. When so relinquished said two abandoned military reservations then became subject to disposal by the Secretary of the Interior under the provisions of the act of July 5, 1884, which act made general provisions for the disposal of abandoned military reservations. But under that law (act July 5, 1884) in order to possess the right to enter any of these said lands as a homestead a settler must have resided on said lands during the past twenty-four years; that is, must have resided thereon since January 1, 1884. The 64 settlers who are occupying these lands have resided thereon for periods ranging from a year to six years, and therefore none of them could file as homesteads on these particular lands under existing law. Therefore the propriety of the passage of this bill, which in effect waives the necessity of twenty-four years' prior residence upon these lands and permits each settler now occupying these lands to file on 20 acres thereof.

It is deemed proper in this report to state that this bill (H. R. 15859), which is herewith favorably reported, is a bill introduced by Mr. Cushman, of Washington, to take the place of another bill (H. R. 519), heretofore introduced by him some weeks ago. For numerous reasons too lengthy to detail it was thought better to introduce a new bill rather than to report the old bill with numerous changes and amendments.

It is also proper to state that this new bill (H. R. 15859) has never been referred to the Secretary of the Interior for report thereon. But the letter of the Secretary of the Interior reporting upon the former bill (H. R. 519) relating to the same subject is hereto attached. This committee in reporting this bill have not included therein one amendment suggested in the letter of the Secretary of the Interior; but we have given careful consideration to all the suggestions con-

tained in his letter, and we believe that this bill (15859) in its present form, with the one amendment made by the committee, not only covers the needs of the settlers upon these lands, but likewise in every proper way safeguards the rights and interests of the Government.

Should this bill not be passed, then the only way these lands could be disposed of would be under the act of July 5, 1884, and amendments thereto, and that would be by appraisement and sale to the highest bidder by the Secretary of the Interior. If that method were adopted, all these lands would probably be bought up by speculators, and the bona fide settlers thereon would not only lose these lands, but each would also lose the valuable improvements made thereon. Therefore the committee, in view of these facts, think that this bill should be passed.

It is also deemed proper to state that during the Fifty-ninth Congress, first session, there was passed a bill (H. R. 17127) very similar to the bill herewith reported. That former bill was approved June 9, 1906, being public act 216 of that Congress. That act related to two other abandoned military reservations near Gig Harbor, in Pierce County, State of Washington, being some 2 or 3 miles to the north of the two reservations covered by this pending bill. Therefore there is a precedent for the passage of this bill.

Three acts have been passed by Congress relating to the disposal of abandoned military reservations, as follows: Act of Congress approved July 5, 1884; act of Congress approved August 23, 1894; act of Congress approved February 15, 1895. Copies of all these acts are included in the appendix to this report.

Under the provisions of these various acts actual residence by the settler upon the abandoned military reservation must have commenced at or prior to the date of these acts.

But none of the 64 settlers upon the lands covered by this bill have resided upon said lands as long a period as this, and therefore would not have, under existing law, a right to file a homestead entry upon the lands occupied by them.

The body of this report states in just what manner this bill, if enacted into law, will change the existing law relating to these two reservations, and also states the reasons why it is believed that the changes should be made which this bill contemplates.

This bill is strictly in the interest of the bona fide settlers upon these lands.

As a part of this report, for both convenience and accuracy, there is attached hereto an appendix, which contains the following:

A. The letter of the Secretary of the Interior addressed to the House Committee on Public Lands commenting upon H. R. 519.

B. A copy of the former bill (H. R. 519).

C. A copy of this bill herewith reported (H. R. 15859).

D. A list of the settlers upon abandoned military reservation No. 23, with a statement of their improvements, and the approximate value thereof.

E. A list of the settlers upon abandoned military reservation No. 24, with a statement of their improvements and the approximate value thereof, and also the date at which each settler settled upon his 20 acres of land.

F. A copy of the act of Congress approved July 5, 1884 (23 Stat. L., 103), entitled "An act to provide for the disposal of abandoned and useless military reservations."

G. A copy of the act of Congress approved August 23, 1904, entitled "An act to provide for the opening of certain abandoned military reservations."

H. A copy of the act of Congress approved February 15, 1895, entitled "An act to amend and extend the provisions of an act entitled 'An act to provide for the opening of certain abandoned military reservations, and for other purposes,' approved August 23, 1894."

APPENDIX.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1908.

SIRS: I have the honor to acknowledge receipt of a letter from your chairman, dated December 31, 1907, inclosing a copy of H. R. No. 519, entitled "A bill to provide for the subdivision and sale of certain lands in the State of Washington, and for other purposes," with a request that you be informed as to the condition of the lands referred to therein and the advisability of the legislation proposed. Said bill provides for the survey of said lands into tracts of 10 acres each, etc., their appraisal and public sale at not less than the appraised value nor less than $2.50 per acre, and for giving certain settlers a preference right.

The lands referred to comprise two reservations, being part of twenty-five military reservations established by Executive order of September 22, 1866. The two reservations now under consideration were relinquished by the War Department for disposal under the act of July 5, 1884 (23 Stata., 103), by authority of Executive order of October 18, 1901. Action looking to the disposal thereof has been suspended pending proposed legislation.

This bill is identical with the act of June 9, 1906 (34 Stats., 229), except as to descriptions of land and as to section 2 of the proposed bill, which is not included in the act of June 9, 1906. Said act of June 9, 1906, provided for a similar disposal of reservations Nos. 22 and 33, which were turned over by the War Department by the same order as Nos. 23 and 24 for disposal under the same act.

The descriptions of lands in the proposed bill should be amended in the following particulars:

In line 6, page 1, omit word "fractional," for the reason that the SW. ¼ of sec. 21, T. 21 N., R. 2 E., is full 160 acres.

Particular attention is called to the second proviso to section 1 of the bill, which reads as follows:

"That any settler who is in actual occupation of any portion of such lands at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States."

The language used in said proviso is ambiguous. It is uncertain whether or not all the requirements and conditions mentioned in the proviso must be met before the right of entry exists, or whether the right of entry exists in a settler who is in actual occupation of the land at the date of the passage of the act, having settled thereon in good faith for the purpose of securing a home, and possessing the homestead requirements, the conditions as to payment for the land and as to making a showing of residence on and cultivation of the land in accordance with the homestead law, being required to enable a settler to secure a patent for the land. This same uncertainty exists with regard to the second proviso to the act of June 9, 1906, the language being identical. It is desirable that the ambiguity be removed, and that the legislative intention be made certain. Reports received in the General Land Office show that the rights of a large number of settlers to lands described in said act of June 9, 1906, depend upon the construction to be placed upon the second proviso thereto. It is the opinion of this Department that payment for the land should be made at the time the party shows his qualifications as an occupant, settler, and homesteader, but that the required showing as to residence on and cultivation of the land may be deferred.

It is, therefore, recommended that there be added after the words "United States," at the end of said proviso, found in line 22, page 3 of the bill, the following words: "said showing of residence and cultivation to be made within five years from the date of the passage of this act, and failure to make said showing shall be sufficient cause for forfeiture of all rights to the land and to the money paid, which forfeiture shall be declared by the Secretary of the Interior reoffering the land at public sale."

Section 2 of the bill authorizes the State of Washington to select the E. ½ NW. ¼ of sec. 32, T. 21 N., R. 2 E. in lieu of an equal area in any section 16 or 36, or any part of such sections in said State which may have been reserved, sold, or otherwise disposed of under any act of Congress. I am advised by the Hon. Mr. Cushman, who introduced this bill, that this portion of the bill in describing the lands to be selected should read the "east half of the northwest quarter of the southeast quarter" instead of the "east half of the northwest quarter," as it was his desire that the E. ½ of the NW. ¼ of the SE. ¼ should be selected by the State in order that the settlers on adjacent lands might, through the sanction of the State, use that tract for school purposes.

If the bill is amended in the particulars mentioned above, I know of no objection to its becoming a law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

EXHIBIT B.

[H. R. 519. Sixtieth Congress, first session.]

A BILL To provide for the subdivision and sale of certain lands in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may, if in his opinion the public interests so require, cause lots one and two in section five, and lot three in section six, of township twenty north, and the southwest fractional quarter, the southwest quarter of the southeast quarter, and lots three and four of section twenty-one, and the northwest quarter, the west half of the northeast quarter, lots one, two, and three, and the northeast quarter of the southwest quarter of section twenty-eight, and the south half of lot three and all of lots four and five, and the northeast quarter of the southeast quarter of section thirty-one, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots one and two and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section thirty-two, and the south half of lot two and all of lot three of section thirty-three, in township twenty-one north, all in range two east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of ten acres each, or less, and into town lots, or either, or both. He shall cause said lands to be so surveyed and subdivided and each tract thereof to be appraised by three competent disinterested men, to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in him, appraise said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof and not less than two dollars and fifty cents per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having general circulation in the county or the section of the country where the lands to be sold are situated; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if unsold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value nor less than two dollars and fifty cents per acre: *Provided,* That no date shall be fixed for the sale of any of said lands until at least ninety days after the Secretary of the Interior has approved said appraisement: *Provided further,* That any settler who is in actual occupation of any portion of such lands at the date of the passage of this act

who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of two dollars and fifty cents per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 2. That the State of Washington be, and it is hereby, authorized to select the east half of the northwest quarter of section thirty-two in township twenty-one of range two east of the Willamette meridian in lieu of an equal area of any section, sixteen or thirty-six, or any part of such section in said State which may have been reserved, sold, or otherwise disposed of under the authority of any act of Congress.

EXHIBIT C.

[H. R. 15859. Sixtieth Congress, first session.]

A BILL Providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause the lands in abandoned military reservations numbered twenty-three and twenty-four, described as follows: Lots one and two in section five and lot three in section six, of township twenty north, and the southwest quarter, the southwest quarter of the southeast quarter, and lots three and four of section twenty-one, and the northwest quarter, the west half of the northeast quarter, lots one, two, and three, and the northeast quarter of the southwest quarter of section twenty-eight, and the south half of lot three and all of lots four and five, and the northeast quarter of the southeast quarter of section thirty-one, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots one and two and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section thirty-two, and the south half of lot two and all of lot three of section thirty-three, in township twenty-one north, all in range two east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of twenty acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section one hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of two dollars and fifty cents per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 3. That the following described land, being a part of abandoned military reservation numbered twenty-four, is hereby granted to school district numbered seventy-one of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section thirty-two in township twenty-one of range two east of the Willamette meridian, in the State of Washington.

SEC. 4. That if any of the lands described in section one hereof be not duly entered as a homestead by some settler, as provided in section one of this Act, within ninety days after the same become subject to entry under the provisions of this Act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the Act of Congress of July fifth, eighteen hundred and eighty-four, entitled "An Act to provide for the disposal of abandoned and useless military reservations."

EXHIBIT D.

United States Military Reserve No. 23, T. 21, N. R. 2 E. W. M.

The following is a list of settlers, with a fair estimate of the value of improvements, which have been put on the Reserve with the intention of making homes. Two good wagon roads have been built the entire length from north to south.

	Name.	Work done.	Estimate of value of improvements.
1	Archibald Morford	5 acres slashed; well; house 12 by 18	$300.00
2	Miss Kate Mahan	2 acres cleared and slashed; house 18 by 24, one and one-half stories.	600.00
3	W. A. Wilson	2 acres slashed; house 12 by 14	300.00
4	John Dines	1 acre cleared; well; house 12 by 24	500.00
5	J. H. Bruce	1 acre slashed and burned; house 12 by 14	275.00
6	S. Torresdal	1 acre slashed and burned; house 12 by 14	250.00
7	M. W. Lonesgan	1 acre slashed; house 14 by 22	250.00
8	Miss Anna Lowe	1 acre cleared; house 14 by 14	225.00
9	Joe Hall	1 acre cleared; well; in fruit and berries; house 16 by 18	650.00
10	T. F. Cowgill	1 acre slashed; house 14 by 18	400.00
11	Jas. B. Bell	2 acres slashed; some in garden; house 12 by 14	325.00
12	Robert Turner	1 acre slashed; house 14 by 16	300.00
13	Walter George	1 acre slashed; house 12 by 16	200.00
14	N. C. Peterson	1½ acres slashed; well; 1 acre cleared in fruit and berries; house 17 by 18.	250.00
15	Robert Baron	2 acres slashed and cleared; house 12 by 14	300.00
16	Jas. A. Twogood	1½ acres; house 14 by 16	250.00
17	David Hughes	1 acre slashed; well; house 14 by 14	300.00
18	A. Wennerlund	2 acres slashed; well; house 14 by 22	425.00
19	Harry Hart	1 acre slashed and cleared; house 14 by 16	200.00
20	Charles Hart	2 acres slashed; house 12 by 14	300.00
21	Chas. Sherman	2 acres slashed; 1 acre cleared, in fruit and berries; well; house 12 by 14.	700.00
22	Paul Wuttke	2 acres slashed; house 14 by 16	300.00
23	Thos. Conrad	1½ acres slashed; 1½ acres cleared; house 12 by 18	275.00
24	Neal McLaughlin	1 acre slashed; house 12 by 18	300.00
25	W. S. Duty	2 acres cleared and slashed; well; house 13 by 14	400.00
26	Henry Christensen	1 acre slashed; house 12 by 14	125.00
27	Geo. Giertz	1½ acres slashed; house 12 by 14	120.00
28	Thos. Torresdal	1 acre slashed; house 12 by 14	225.00
29	O. L. Conrad	1 acre slashed and cleared and well; house 12 by 14	225.00
30	Lillian Young	1 acre slashed	150.00
31	Teddy Hopkins	1 acre slashed; house 12 by 16	150.00
32	John Hopkins	1 acre slashed; house 12 by 15	250.00

EXHIBIT E.

Military Reservation No. 24.

TACOMA, WASH., *October 11, 1907.*

We, the undersigned, settlers on United States abandoned military reservation No. 24, situated in townships Nos. 20 and 21 north, range 2 east of Willamette meridian, Washington, being desirous of having said reservation opened, give below the approximate date of our settlement upon the land, the size of our holdings, and value of our improvements.

Blueprint attached, on which all claims and fractions of claims are numbered, gives the location of the claims.

Lot 1. Occupied by Indians.

Lot 2. (S. ½ of SE. ¼ of NE. ¼ of sec. 31, T. 21.) Settled upon by me on or about October 1, 1906. Area, 20 acres. Value of improvements, $200. Arthur Larson.

Lot 3. (S. ½ of SW. ¼ of NW. ¼ of sec. 32, T. 21.) Settled upon by me on or about October 12, 1907. Area, 20 acres. Value of improvements, $80. Mary L. Hood.

Lot 4. (S. ½ of SE. ¼ of NW. ¼ of sec. 32, T. 21.) Settled upon by me on or about October 1, 1906. Area, 20 acres. Value of improvements, $200. Chas. Anderson.

Lot 5. (S. ½ of SW. ¼ of NE. ¼ of sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 20 acres. Value of improvements, $200. Hugo Osumuni.

Lot 6. (S. ½ of SE. ¼ of NE. ¼ of sec. 32, T. 21.) Settled upon by me, on or about October 12, 1907. Area, 20 acres. Value of improvements, $80. Ole Stone.

Lots 7 and 20. Settled upon by me, on or about December 15, 1906. Value of improvements, $150. Gus. Hufeisen.

Lots 8 and 9. The northern portion occupied by Indians. The southern part has been settled upon by Mr. N. J. Marshall and Mr. R. S. Phillips, descriptions of whose claims appear later.

Lot 10. (W. ½ of NE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me, on or about August 26, 1906. Area, 20 acres. Value of improvements, $350. Swan Swanson.

Lot 11. (E. ½ of NE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me, on or about August 26, 1906. Area, 20 acres. Value of improvements, $350. Sam K. Svenson.

Lot 12. (W. ½ of NW. ¼ of the SW. ¼ of sec. 32, T. 21.) Settled upon by me, on or about August 26, 1906. Area, 20 acres. Value of improvements, $375. James S. Reid.

Lot 13. (E. ½ of NW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $400. Hubbard G. Hood.

Lot 14. (W. ½ of NE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $175. N. G. Menke.

Lot 15. (E. ½ of NE. ¼ of SW. ¼, sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $300. Gust Swanson.

Lot 16. (W. ½ of NW. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about September 28, 1906. Area 20 acres. Value of improvements, $140. James Murphy.

Lot 17. (E. ½ of NW. ¼ of SE. ¼, sec. 32, T. 21.) Reserved for school purposes. (20 acres.)

Lot 18. (W. ½ of NE. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 20 acres. Value of improvements, $145. W. G. Moshier.

Lot 19. (E. ½ of NE. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 19 acres. Value of improvements, $147.50. James R. Forrest. Witness signature, H. G. Hood.

Lot 20. (Incorporated with lot 7.)

Lots 21 and 22 (13 acres) and 7 acres at south end of lots 8 and 9, 20 acres in all. Settled upon by me on or about May 5, 1907. Value of improvements, $175. Robert C. Phillips.

Lot 23. (E. ½ of SE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me on or about August 26, 1906. Area, 18 acres. Value of improvements, $200. N. H. Rodseide.

Lot 24. (W. ½ of SW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about September 28, 1906. Area, 20 acres. Value of improvements, $139. Daniel Reid.

Lot 25. (E. ½ of SW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about December 13, 1906. Area, 20 acres. Value of improvements, $375. W. T. Mackerith.

Lot 26. (W. ½ of SE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about November 25, 1906. Area, 20 acres. Value of improvements, $175. Gilbert C. McIntosh.

Lot 27. (E. ½ of SE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about February 17, 1907. Area, 20 acres. Value of improvements, $250. Harry D. Hill.

Lot 28. (W. ½ of SW. ¼ of SE. ¼ of sec. 32, T. 21.) Settled upon by me on or about April 20, 1907. Area 20 acres. Value of improvements $450. F. Sinkham.

Lot 29. (E. ½ of SW. ¼ of SE. ¼ of sec. 32, T. 21.) Settled upon by me on or about June 1, 1907. Area 19 acres. Value of improvements $450. George Moore.

Lots 30 and 31. Settled upon by me on or about June 15, 1907. Area 14 acres. Value of improvements, $90. C. H. Allison.

Lot 32. (E. ½ of NE. ¼ of NE. ¼ of sec. 6, T. 20.) Settled upon by me on August, 1906. Value of improvements, $1,000. Chas. Johnson.

Lot 33. (W. ½ of NW. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about March 25, 1902. Area 16 acres, more or less. Value of improvements, $1,200. G. M. Evje.

Lot 34. (E. ½ of NW. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about February 9, 1907. Area 17 acres, more or less. Value of improvements, $500. Chas. C. Smith.

Lot 35. (W. ½ of NE. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about December 15, 1906. Area 20 acres. Value of improvements, $200. David Walsh.

Lots 36 and 37. (No. 36, E. ½ of NE. ¼ of NW. ¼ of sec. 5, T. 20; No. 37, W. ½ of NW. ¼ of NE. ¼ of sec. 5, T. 20.) Settled upon by me on or about January 6, 1907. Area 19 acres. Value of improvements, $175. H. J. Bremner.

Lot 38. R. W. Uhlman, October 16, 1907.

EXHIBIT F.

[PUBLIC—No. 87.]

AN ACT To provide for the disposal of abandoned and useless military reservations.

Be it enacted by the Senate and House of Representatives of the United States of America Congress assembled, That whenever, in the opinion of the President of the United s, the lands, or any portion of them, included within the limits of any military

reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

SEC. 2. That the Secretary of the Interior may, if in his opinion the public interests so require, cause the said lands, or any part thereof, in such reservations to be regularly surveyed or to be subdivided into tracts of less than forty acres each, and into town lots, or either or both. He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men, to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, nor less than one dollar and twenty-five cents per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the country or section of county where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale, for cash, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre: *Provided*, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation, or settled thereon prior to January first, eighteen hundred and eighty-four, in good faith for the purpose of securing a home and of entering the same under the general laws and has continued in such occupation to the present time, and is by law entitled to make a homestead entry shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions: *Provided further*, That said lands were subject to entry under the public-land laws at the time of their withdrawal: *And provided further*, That all patents heretofore issued, and approved State selections, covering any lands within the old Fort Lyon Military Reservation, in the State of Colorado, declared by Executive order of August eighth, eighteen hundred and sixty-three, are hereby confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead, preemption, or timber culture laws are hereby recognized and affirmed to the extent they would have attached had public lands been settled upon or entered; and such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior under the provisions of this act, including lands that may be abandoned by settlers or entrymen.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions, or lots not heretofore sold by the United States authorities to be appraised in the same manner as hereinbefore provided for the appraisements of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale to the highest bidder for cash at not less than the appraised value of such land and improvements, first giving the sixty days' notice as hereinbefore provided; or he may, in his discretion, cause the improvements to be sold separately at public sale, for cash, at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale at any subsequent time in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value: *Provided*, That where buildings or improvements have been heretofore sold by the United States authorities the land upon which such buildings or improvements are situate, not exceeding the smallest subdivision or lot provided for by this act upon the reservation on which said buildings are situate, shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands, and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of this act: *And provided further*, That the proceeds of the military reservation lands sold on Bois Blanc Island, near to Fort Mackinaw Military Reservation, shall be set apart as a separate

fund for the improvement of the national park on the island of Mackinaw, Michigan, under the direction of the Secretary of War.

SEC. 4. That the provisions of the act of August eighteenth, eighteen hundred and fifty-six, relative to military reservations in the State of Florida, and the sixth section of the act of June twelfth, eighteen hundred and fifty-eight, relative to the sale of military sites, be, and the same are hereby, repealed.

SEC. 5. Whenever any lands containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this act, the same shall be disposed of exclusively under the mineral land laws of the United States.

SEC. 6. The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon: and permit cattle, sheep, or other stock animals to be driven across such reservation whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.

Approved July 5, 1884.

EXHIBIT G.

[PUBLIC—No. 209.]

AN ACT To provide for the opening of certain abandoned military reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands not already disposed of included within the limits of any abandoned military reservation heretofore placed under the control of the Secretary of the Interior for disposition under the act approved July fifth, eighteen hundred and eighty-four, the disposal of which has not been provided for by a subsequent act of Congress, where the area exceeds five thousand acres, except such legal subdivisions as have Government improvements thereon, and except also such other parts as are now or may be reserved for some public use, are hereby opened to settlement under the public land laws of the United States, and a preference right of entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement when that shall occur after the date of this act: *Provided,* That persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by appraisement, nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior.

SEC. 2. That nothing contained in this act shall be construed to suspend or to interfere with the operation of the said act approved July fifth, eighteen hundred and eighty-four, as to all lands included in abandoned military reservations hereafter placed under the control of the Secretary of the Interior for disposal, and all appraisements required by the first section of this Act shall be in accordance with the provisions of said act of July fifth, eighteen hundred and eighty-four.

Approved, August 23, 1894.

EXHIBIT H.

[PUBLIC—No. 51.]

AN ACT To amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August twenty-third, eighteen hundred and ninety-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act approved August twenty-third, eighteen hundred and ninety-four, entitled "An act to provided for the opening of certain abandoned military reservations and for other purposes," are hereby extended to all abandoned military reservations which were placed under the control of the Secretary of the Interior under any law in force prior to the act of July fifth, eighteen hundred and eighty-four.

SEC. 2. That the preference right of entry given to actual settlers by the terms of the act to which this is an amendment shall, so far as the lands to which the provisions of said act are extended, take effect and continue for six months from the date of this amendatory Act.

Approved, February 15, 1895.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 641.

EFFICIENCY OF MEDICAL DEPARTMENT, ARMY.

FEBRUARY 4, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. YOUNG, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1424.]

The Committee on Military Affairs, to whom was referred the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out of line 10, page 1, the word "sixteen" and insert in lieu thereof the word "fourteen."

Strike out the word "twenty-four" in lines 10 and 11, page 1, and insert in lieu thereof the word "twenty."

Strike out the words "and ten" in line 11, page 1.

Insert after the word "Corps," in line 20, page 3, the words "below the rank of lieutenant-colonel."

Strike out the words "or lieutenant-colonel" in line 16, page 4.

Insert after the word "examination," in line 25, page 5, the words:

Provided further, That any contract surgeon not over twenty-nine years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

Insert after the words 'Medica. Corps," in ine 2, page 7, the words:

And provided further, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

This bill as amended by your committee is identical with the one reported from your committee on January 7, 1908, being H. R. 186, accompanied by report No. 20. The Senate report on this bill is No. 41, and it is not deemed necessary to reiterate those printed reports.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 643.

INCREASING SALARIES IN THE UNITED STATES PATENT OFFICE.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CHANEY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 15846.]

The Committee on Patents, to whom was referred the bill (H. R. 15846) increasing salaries in the United States Patent Office, after due consideration of said bill, respectfully recommend that the same do pass.

The efficiency of the Patent Office depends upon the aquirement and retention of competent examiners. This can not be done with the present salaries allowed for this work. Outside service offers better pay and greater inducements, so that no sooner does an examiner become highly valuable to the Government than he is induced to go into independent patent work, where he becomes a patent lawyer, or a patent lawyer's assistant, at greatly increased compensation, leaving the Patent Office, to its detriment.

The compensation of the Commissioner of the Patent Office and that of the Assistant Commissioner is below the demands of the qualifications of these officials, and they rarely remain throughout a Presidential term because of the salary. The chief clerk is more than a clerk. He is a treasurer, exercising a great responsibility, and in similar service elsewhere commands higher wages.

The present salaries provided for by law for the officials and members of the examining corps are as follows:

		Year.
Commissioner of Patents		$5,000
Assistant Commissioner of Patents		3,000
Chief clerk		2,500
Examiners in chief	each	3,000
Examiner of interferences		2,500
Examiner of trade-marks and designs		2,500
Law clerks	each	2,500
Principal examiners	do	2,500
First assistant examiners	do	1,800
Second assistant examiners	do	1,600
Third assistant examiners	do	1,400
Fourth assistant examiners	do	1,200

The increases provided for by the bill herewith reported are as follows:

Commissioner of Patents	$5,000 to $6,000
Assistant Commissioner	3,000 to 4,500
Examiners in chief	3,000 to 4,000
Principal examiners (one of whom shall act as chief clerk, another as examiner of interfences, another as examiner of classification, and another as examiner of trade-marks and designs, and while so acting each shall receive $600 additional compensation)	2,500 to 3,000
Law examiners	2,500 to 3,000
Examiners in lieu of first assistant examiners	1,800 to 2,700
Examiners in lieu of second assistant examiners	1,600 to 2,400
Examiners in lieu of third assistant examiners	1,400 to 2,100
Examiners in lieu of fourth assistant examiners	1,200 to 1,800
Examiners	at 1,500

The number of salaries affected by the provisions of the bill and the total amount necessary to carry out the provisions of the bill are as follows:

	Increase.	Total.
Commissioner of Patents	$1,000	$1,000
Assistant Commissioner	1,500	1,500
3 Examiners in chief ... each	1,000	3,000
Principal examiner acting as chief clerk	1,100	1,100
Principal examiner acting as examiner of interferences	1,100	1,100
Principal examiner acting as examiner of classification	.....	3,600
Principal examiner acting as examiner of trade-marks and designs	1,100	1,100
2 law examiners ... each	500	1,000
41 principal examiners ... do	500	20,500
60 examiners at $2,700 in lieu of 53 first assistant examiners at $1,800	.....	6[illegible],000
70 examiners at $2,400 in lieu of 63 second assistant examiners at $1,600	.....	8[illegible],200
80 examiners at $2,100 in lieu of 73 third assistant examiners at $1,400	.....	6[illegible],800
60 examiners at $1,800 in lieu of 83 fourth assistant examiners at $1,200	.....	8,400
50 examiners	.....	75,000
	.....	331,900

The main object sought to be accomplished by the bill herewith reported is to secure for the Patent Office an examining corps which shall be reasonably permanent. It has been made clear to your committee that the present salaries paid to the examining corps are not sufficient to hold in the Office examiners and assistant examiners who, after a few years' experience, have become experts and whose services for this reason are of particular value and importance to the public service.

The examining corps of the Patent Office for the present fiscal year comprises 313 examiners and assistant examiners. Since July 1, 1906, 41 of these have resigned. During the fiscal year 1905–6, 36 resigned. The number of resignations from the examining corps since July 1, 1886, at which time the examining corps comprised 147 examiners and assistant examiners, has been 316, or more than double the total number in the examining corps twenty years ago. It has been made clear to your committee that the reason for these resignations is that the salaries now paid in the Patent Office are much below those which an examiner or assistant examiner after a few years' experience in the Patent Office can command outside. The examiners and assistant examiners resign either to enter the office of some patent lawyer or to enter the employ of some corporation to take charge of the pat-

ent business of such corporation, or to engage in the practice of patent law for themselves.

The work of the examining corps of the Patent Office demands ability and acquirements of a high order—"scarcely less," as was said by Commissioner Foote in 1868, "than those we expect in the higher courts of law." Experience of some years in the work of the Patent Office is necessary to make an assistant examiner an expert in the line of inventions to which he may be assigned, and his value to the public service increases with increased experience. Having become an expert, his resignation from the examining corps is a serious loss to the public service, as his place must be filled by the appointment of an inexperienced assistant, with whom the process of education must be repeated. Necessarily, expert examiners can not be expected to remain in the Patent Office at salaries less than they are offered outside.

The bill herewith reported has been urged before your committee solely from the standpoint of those having business before the Patent Office as a measure vitally necessary to the maintenance of the examination system on which the American patent system is based. It is of the utmost importance that so far as possible the examination of applications for patents should be thorough and exhaustive; that no patent should be issued until the fact of the novelty and utility of the invention sought to be patented has been ascertained by a critical examination of the prior art. The fact that there have been issued over 875,000 United States patents and over 2,000,000 foreign patents, all of which may relate to the line of invention in which a particular application for patent belongs, need to be examined, indicates to some extent what is meant by the prior art, and to some extent the character of the work and the need for expert examiners.

The service rendered by the Patent Office in the examination of and issuance of patents is not only paid for by the fees paid by applicants for patents, but is more than paid for, the amount turned into the Treasury for the last calendar year by the Patent Office exceeding all expenses of that office by over $279,000. In view of the fact that the salaries of the officers and examining corps of the Patent Office are thus paid by the applicants for patents, it is but just that the salaries should be made sufficient to secure and retain the services of expert examiners who possess the ability and experience necessary to make thorough and complete examinations of applications with reasonable promptness.

We believe that the bill herewith reported will secure a reasonably permanent corps of examiners and assistant examiners. We consider that the provisions of the bill by which the examiners and assistant examiners will receive an increase of pay, up to a certain limit, for length of service, will be of particular importance in securing the permanence of the examining corps. While in the arguments before your committee the increase of salaries of the examining corps has been particularly urged, we consider the increase of salaries to the Commissioner, Assistant Commissioner, and examiners in chief as also necessary.

The Patent Office is a most valuable asset of the Government. Every year for more than forty years the receipts of the Patent Office have exceeded the expenses of that Office. In 1883 the receipts exceeded the expenses $471,000. (Report, 1907.)

The total surplus of the Patent Office from its institution to the date of the last report of the Commissioner of Patents is $6,706,181.64. (Report, 1907.) For the last six years the surplus is as follows:

	Surplus.
1902	$159,513.54
1903	193,556.00
1904	181,326.15
1905	327,124.92
1906	236,030.18
1907	279,159.78

This bill proposes an increase of the expense of the Patent Office of $331,900. If we were to take the surplus of last year as a criterion for this year, the proposed expense will exceed the surplus by $52,740.22.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 645.

COPIES OF RECORDS AND PAPERS OF GENERAL LAND OFFICE.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAMMOND, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14016.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 14016) to amend section 461 of the Revised Statutes of the United States as amended by the act of April 2, 1888, report the same back with the recommendation that it do pass.

The necessity for this legislation is set forth in a letter from the Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

SIR: Under the present law the Commissioner of the General Land Office must either furnish copies of records and papers of his office free of cost or charge for them at the rate of 15 cents per 100 words, with an additional fee of $1 for his certificate and seal. It not infrequently happens that unverified copies are requested and the payment of the additional dollar is objected to when certificate and seal are not desired.

I, therefore, herewith submit a proposed bill which authorizes him to furnish these copies at the cost of preparation without requiring the collection of $1 for the certificate and seal, and respectfully recommend that it be enacted into a law.

The words "and one of the employees of the office shall be designated by the Commissioner as receiving clerk," appearing in the existing law, have been omitted from the proposed bill for the reason that a later statute makes provision for the appointment "of one depositary acting for the Commissioner as receiver of public moneys, and also as private secretary." (34 Stats., 975.)

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 650.

CONDEMNED CANNON FOR STATUE OF ALEXANDER MACOMB AT DETROIT, MICH.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 102.]

The Committee on Military Affairs, to whom was referred the resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, U. S. Army, report the same back to the House with the recommendation that it do pass.

A copy of a letter from A. Russell, Acting Chief of Ordnance, dated August 7, 1907, addressed to Hon. Wm. B. Thompson, mayor of Detroit, Mich., is as follows:

WAR DEPARTMENT, *August 7, 1907*

SIR: Referring to your letter of July 19 in regard to certain guns selected by Mr. Adolph A. Weineman, sculptor of the Macomb monument, you are informed that instructions have this day been given the commanding officers of Watertown and Watervliet arsenals to hold the guns in reserve until the proper steps can be taken at the next session of Congress to have a special act passed for their donation for the purpose indicated. There is no law by which the guns could be donated without the action of Congress.

Respectfully,

A. RUSSELL,
Lieutenant-Colonel, Ordnance Department, U. S. Army,
Acting Chief of Ordnance.

Hon. WM. B. THOMPSON,
Mayor, Detroit, Mich

From the foregoing letter it would seem that there is no objection by the War Department to the proposed legislation.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 651.

TO PROVIDE A MANNER FOR RESTORING LANDS TO THE PUBLIC DOMAIN.

FEBRUARY 5, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. REYNOLDS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14021.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 14021) to provide a manner for restoring lands to the public domain, report the same back with the recommendation that it do pass with the following amendment:

Strike out all after the word "withdrawal," in line 5 of the bill, down to and including the word "patent," in line 6.

And as thus amended it is recommended that the bill do pass.

The passage of this bill is recommended by the Secretary of the Interior in order that he may have authority to prescribe the manner in which lands which have been temporarily reserved for any purpose, as for example for forest reserves under the reclamation law, for classification, or other purposes, may be restored to settlement and entry.

It has occurred in the past that when lands so temporarily withdrawn were restored to entry it has been difficult for the Department to determine the respective rights of entrymen claiming the same tract of land, and in order to avoid conflicts and contests it is deemed wise to authorize the Secretary to prescribe the manner in which such lands shall be opened to entry.

The following letter from the Secretary of the Interior explains the necessity for this legislation:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

SIR: I transmit herewith a proposed bill which authorizes the Secretary of the Interior to prescribe the time and manner in which lands which are hereafter released from reservation, withdrawal, or entry may be restored to settlement and entry under the public-land laws.

Preliminary to the creation of national forests and reclamation projects public lands have been and must hereafter be temporarily withdrawn, and subsequent

investigations will show that many of the lands so withdrawn are not needed or desirable for the purposes for which they were withdrawn. It consequently becomes necessary to restore them to the public domain.

There is no law which authorizes the fixing of a manner in which these restorations can be made, and as a consequence scrambles for these lands occur when they are opened to settlement and entry. This results in needless and expensive contests and delays, and to avoid this it is believed that if the proposed bill becomes a law these lands can be opened in an orderly aud systematic manner under schemes similar to those under which Indian lands have been so successfully and quietly opened to settlement of late.

The situation urgently calls for a remedy, and it is believed that the remedy can be best obtained through an act such as the proposed bill, which gives the Secretary of the Interior ample authority to prescribe regulations.

It is, therefore, accordingly recommended that the proposed bill be enacted into a law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 677.

TRANSFERRING TO KANSAS CERTAIN LAND IN FORT RILEY MILITARY RESERVATION.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ANTHONY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 12398.]

The Committee on Military Affairs, to whom was referred House bill 12398, report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of War be, and he is hereby, authorized and directed to grant to the State of Kansas the right, title, and interest of the United States in and to a tract of land, not to exceed one acre of ground, whereon is located the ruins of the old station building which was the first Kansas Territorial capitol at Pawnee, now included in military reservation of Fort Riley, Kansas, for the preservation of said ruins as a historical relic, the metes and bounds of said tract to be determined by the Secretary of War.

A similar bill to this has been reported in the Senate and is now on the calendar.

The War Department recommends the bill, as amended, in a letter to the Senate committee.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 678.

COMMISSION TO INVESTIGATE RECENT MINING DISASTERS.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MADISON, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. J. Res. 84.]

The Committee on Labor, to whom was referred the House joint resolution (H. J. Res. 84) appointing a commission to investigate the recent mining disasters in certain States of the United States, beg leave to submit the following report, and recommend that said resolution do pass, with amendments.

Page 1, line 7, omit the words "inquiry, examination, and."

Line 8, insert the words "causes of the" before the word "recent," and in the same line substitute the word "accidents" for the word "explosions."

Line 10, omit the words "inquiry, examination, and."

Line 11, insert after the word "authorized" the words "and empowered to appoint subcommittees."

Page 2, line 3, insert after the word "Congress" the words "not later than January 5, 1909."

Line 6, omit the words "inquiry, examination, and."

Line 8, insert after the word "appropriated" the words "not exceeding fifteen thousand dollars."

The loss of human life through coal mine accidents in the United States is frightfully on the increase. In the month of December, 1907, approximately 1,000 men lost their lives in accidents in the mining districts at Naomi, Pa., Monongah, W. Va., Yolando, Ala., and Jacobs Creek, Pa.

Railroading is popularly considered the most dangerous of occupations, but the National Bureau of Labor finds that the per cent of those killed in mines is much greater than those employed in operating the railroads of the country. Of each 1,000 men employed in railroading, 2½ men are killed annually; but 3½ men out of each 1,000 employed in coal mining lose their lives in mine accidents.

In the last seventeen years 22,840 men have lost their lives in the mines of this country. In 1906 the number of killed and injured was 6,861. The number of fatal accidents each year is now about double what it was twelve years ago.

It is greatly to the discredit of this country that while the sacrifice of human lives in our mines has been increasing it has been decreasing in those of some of the countries of Europe, notably France and Belgium, in both of which coal mining is a leading industry.

The following authentic table illustrates this fact.

Number of men killed in the coal mines for each 1,000 men employed.

Year.	United States.	Belgium.	France.
1895	2.67	1.40	.....
1896	2.79	1.16	.....
1897	2.34	1.03	.....
1898	2.59	1.04	.....
1899	2.98	.97	.....
1900	3.24	1.05	.....
1901	3.24	1.16	1.03
1902	3.49	1.07	.95
1903	3.14	1.14	.88
1904	3.38	.93	.89
1905	3.53	.91	.84
1906	3.40	.94	.....

Unless some action is taken to check this slaughter it is certain to continue to increase each year.

A commission authorized by Congress to investigate the causes of the recent disasters could determine such causes and no doubt in so doing could ascertain some means tending to eliminate them.

Its published report would combine in one printed document the causes of the disasters which have occurred in the different States and would be of great and far-reaching value to the legislatures of those States and of other States of the Union in which coal mining is an industry of importance. It would direct intelligent public discussion and would, no doubt, point the way to legislation by the States that would tend greatly to decrease the awful slaughter among our citizens who are engaged in this important industry.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 679.

TO PROVIDE FOR THE REPAYMENT OF CERTAIN COMMISSIONS AND PURCHASE MONEYS PAID UNDER THE PUBLIC-LAND LAWS.

FEBRUARY 5, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. VOLSTEAD, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 15660.]

The Committee on the Public Lands, having under consideration the bill (H. R. 15660) to provide for the repayment of certain commissions and purchase moneys paid under the public-land laws, report the same back, with the recommendation that the title be amended by adding after the word "commissions" the words "excess payments," and that the bill so amended do pass.

This bill combines the provisions of H. R. 14018 and H. R. 14027, introduced at the request of the Secretary of the Interior. The letters of the Secretary transmitting the original bills show the necessity for this measure. These letters follow:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

SIR: Heretofore and until recently all moneys deposited with applications and proofs for public lands have been retained temporarily by the receivers of public moneys at the United States land offices and finally covered into the Treasury when the entries were allowed or returned by the receivers to the applicants in case their applications and proofs are rejected.

The fact that these moneys accumulated in the hands of the receivers largely in excess of their bonded liability called for a change in this practice, and to safeguard these funds all moneys of this kind are now and will hereafter be covered into the Treasury as soon as they are received. Under the existing law there is no means of withdrawing any of these moneys from the Treasury for repayment to the persons whose applications and proofs are finally rejected, and I, therefore, herewith submit a proposed bill authorizing their repayment and recommend that it be enacted into a law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN, COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

The act of March 2, 1907 (34 Stats., 1248), authorizes the repayment in cases
homestead entrymen had made payments in excess of the amounts required
This act was defective in that its operation was limited to homestead entry-
d it was entirely inoperative because it contained no provision as to the fund
opriation from which repayment should be made.
e a large number of cases in which, owing to the change in the construc-
law with relation to the double minimum lands, excesses have been col-
under the present law can not be repaid.
efore herewith submit a proposed bill authorizing repayment in such cases
pectfully recommend that it be enacted into a law.
ery respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

HAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 683.

OFFICERS OF GENERAL LAND OFFICE AUTHORIZED TO PERFORM DUTIES OF COMMISSIONER, ASSISTANT COMMISSIONER, ETC.

FEBRUARY 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. PARSONS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14025.]

The Committee on the Public Lands, having had under consideration House bill No. 14025 report the same back with the recommendation that the same do pass with the following amendments:

After the word "act," in line 5, insert the word "temporarily."

Strike out all after the word "as," in line 5, down to and including the word "as," in line 7.

Strike out the word "such," in line 8, and insert the word "the" in lieu thereof.

Add to the bill the following, to be known as section 2:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to perform temporarily the duties of the recorder of that office in the absence of that officer, and in the case of a vacancy in the office of such recorder. And the acts of any person so designated shall have all the force and effect of an act performed by the recorder.

This bill is recommended by the Department. At present there is no one who can act in place of the Assistant Commissioner in the contingency that he is unable to act. The second section provides for the designation of some one to act for the recorder in the contingency of his absence or a vacancy in the office. There is no law now which authorizes any one to act in the recorder's place in such contingencies, and if such contingencies occur then there must be a delay in the signing of patents until the contingencies are past. Section 2 is substantially H. R. 14026, which, as well as 14025, was introduced at the request of the Department. The amendments are self-explanatory.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 686.

NEW DIVISION OF NORTHERN JUDICIAL DISTRICT OF TEXAS, WITH COURT AT AMARILLO.

FEBRUARY 6, 1908.—Ordered to be printed.

Mr. JENKINS, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany S. 485.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 485) to create a new division for the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

Amendment numbered 1:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

After the word "Texas" in line 2, page 2, insert: *shall be held twice each year at the city of Amarillo, in Potter County, Texas, beginning on the third Monday of April and the fourth Monday of September in each year;* and the House agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
R. L. HENRY,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

It was the intention of the House to change section 2 of the Senate act so as to provide in the law the time when the court was to be held. The act provided that the judges of the courts should fix the times at which the courts were to be held. The House amendment intended to provide for the change by striking out all of lines 3, 4, 5, 6, and 7 of section 2 of the Senate act, inserting in lieu thereof "beginning on the third Monday of April and the fourth Monday of September in each year."

It is agreed that the amendment striking out line 3 was a mistake. In order to correct the mistake and have the act provide the times when the court should be held, it was agreed to by the conferees that the Senate recede from its disagreement to the amendment of the House, No. 1, and agree to the same with amendment, as follows:

After the word "Texas," in line 2, section 2, page 2, insert: "Shall be held twice each year at the city of Amarillo, in Potter County, Texas, beginning on the third Monday of April and the fourth Monday of September in each year."

And that the Senate recede from its disagreement to the amendment of the House, numbered 2, and agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
R. L. HENRY,
Managers on the part of the House.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 689.

FOR UNITED STATES COURT AT JACKSON, KY.

FEBRUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MALBY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 14382.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 14382) providing for a term of United States court at Jackson, in the eastern district of Kentucky, begs leave to report that the bill has been very carefully considered and the committee unanimously recommend its passage.

The reasons for its passage are fully set forth in the following letter from the learned Attorney-General, which is submitted as part of the report:

DEPARTMENT OF JUSTICE,
Washington, February 1, 1908.

SIR: This Department is in receipt of your letter dated the 15th ultimo, inclosing H. R. 13475, entitled "A bill to establish a United States court at Jackson, in the eastern district of Kentucky." The Department is also in receipt of your letter of the 21st ultimo, inclosing H. R. 14382, with the same title. The two bills are in all respects the same, except that the last-named bill contains a second section, which is as follows:

"SEC. 2. That suitable rooms and accommodations are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building shall be erected there."

Jackson is in the mountainous portion of the eastern district of Kentucky, where numerous violations of the internal-revenue laws occur. It is 53 miles southeast of Richmond, where terms of court are held. There is direct railroad communication between the two places. Jackson is about 50 miles distant from London, where terms of court are held, but there is no direct railroad communication between these two places. While it can not be stated definitely that the holding of terms of court at Jackson would reduce expenses payable by the United States, it is probable that on account of the lack of railroad communication in that vicinity, there would be an increase of convenience to private litigants and other persons having business before the United Strtes courts, and, so far as the Department is now advised, there is no objection to the passage of this bill in so far as it provides for an additional place of holding court in the eastern district of Kentucky. However, as it appears that as the law now stands, the clerk of the United States courts for the district mentioned is permitted to hold eight offices—four as clerk of the circuit court and four as clerk of the district court—and to receive the compensation incident to each of

said offices, it is believed that the act above mentioned should be so amended as to provide that the creation of the additional place of holding court will not so operate as to permit him to hold two additional offices and to draw two additional compensations.

In this connection I beg to state that I am informed that Judge Cochran has indicated his approval of the proposed establishment of an additional place of holding court, although I have not seen his statement with regard to the matter. I should regard his statement as calculated to have very considerable weight from the standpoint of the interests of the United States, as well as of private persons having business before him.

Yours, very respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

Hon. JOHN J. JENKINS,
Chairman Committee on the Judiciary, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 690.

RESTRICTING RIGHT OF ENTRY UNDER DESERT-LAND LAW.

FEBRUARY 7, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 16493.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof, report the same back with the recommendation that it do pass.

This bill proposes three changes in the so-called desert-land laws, all of which have been recommended by the Secretary of the Interior. The first change in the law limits and restricts the right of entry to surveyed lands, and places the desert entryman who seeks to reclaim unsurveyed lands in the same position as the homestead settler upon said lands in the matter of preference right of entry after survey. This change in the law is deemed advisable, as experience has proven that in some cases the entry of unsurveyed lands by metes and bounds survey has led to confusion as to the exact location of the lands claimed, when the public-land surveys were extended over them.

The second change in the law relates to the matter of assignments; prohibits any assignment to a corporation, or association, or for its benefit, and provides that assignments can only be made to individuals who are qualified desert entrymen. This change of law has been deemed advisable as being in harmony with the spirit of our public land laws, and to prevent the possibility of assignment of desert entries being made to corporations which might be organized for that purpose.

Under the present ruling of the General Land Office that every member of a corporation or association which takes a desert land assignment shall be a qualified desert entryman, and that the rights of all under the desert land law shall be extinguished by an assignment to the corporation, this change removes the temptation on the part of corporations to obtain assignments, but it is deemed best to simplify administration and remove all cause for criticism in this direction by restricting the right to receive an assignment to a qualified individual,

so that both the assignee and assignor have their rights to take and hold land under the desert land law extinguished by the transaction.

The third change in the law is one that authorizes the Commissioner of the General Land Office, upon a proper showing, to grant the entryman such extension of time, not exceeding three years in any case, as may be deemed necessary to enable him to complete the reclamation of the land covered by his entry. There has long been a crying need for legislation of this character. Under the law as it now stands the desert entryman must make his final proof of reclamation within four years of the initiation of his entry. In many cases this is impossible of accomplishment even with the exercise of the utmost diligence on the part of the entryman.

Desert entrymen are generally poor men. In many instances expensive reservoirs, canals and other irrigation works must be constructed. It frequently occurs that these works after construction develop unforseen weakness or lack of carrying capacity at a given point, or are temporarily damaged by storms so that the water can not be carried upon the land within the life of the entry. Desert lands are also often very rough and require expensive leveling, or are of such character that they absorb water to such an extent that the entire irrigable area of the entry can only be soaked up and reclaimed after several years' irrigation.

These various drawbacks and difficulties which are encountered more and more as lands farther from water supply and of less desirable character are irrigated make it imperative that authority be given to extend within reasonable limits the time which an entryman may have to complete the irrigation of his land. In some cases an extension of only six months or a year will be necessary, in others an extension of two years may be required, and it is believed that a limit of three years will cover practically all cases, though the Interior Department suggested that there be no limit placed on the exercise of its discretion.

There is attached hereto and made a part of this report two letters, one from the Secretary of the Interior of May 29, 1906, and one from the Commissioner of the General Land Office dated May 19, 1906, with reference to a bill similar to the first two sections of this bill, which passed the House in the last Congress; also a letter from the Secretary of the Interior under date of January 29, 1908, submitting a favorable report on H. R. 11836, identical in its purport with the third section of this bill.

DEPARTMENT OF THE INTERIOR,
Washington, May 29, 1906.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your letters dated May 11 and 14, 1906, each inclosing a copy of H. R. 19152, entitled "A bill limiting declarations under the desert-land act to surveyed lands and limiting assignment of desert entries to qualified individual entrymen," and requesting that I furnish such information and suggestions as may be deemed proper to aid the committee in the further consideration of the measure.

The matter was referred to the Commissioner of the General Land Office for report and recommendation, and he has submitted to the Department, under cover of a letter dated the 19th instant, a draft of a substitute bill which more fully embodies the modifications of said act as proposed by H. R. 19152, as well as the suggestions contained in his letter, and which he recommends be enacted into law.

I have the honor to transmit herewith the substitute bill offered by the Commissioner, and to recommend its passage, after substituting the word "corporation" for the word "incorporation," in line 6, section 2, as it is believed that such modification of the law would in great measure correct the evil resulting from the operation of the existing assignment clause.

A copy of the Commissioner's letter of the 19th instant is also respectfully submitted.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 19, 1906.

The SECRETARY OF THE INTERIOR.

SIR: This Office is in receipt, by your references of May 14 and 16, 1906, for early report and recommendation, of letters from the chairman of the Committee on Public Lands of May 11 and 14, each inclosing a copy of a bill (H. R. 19152) entitled "A bill limiting declarations under the desert-land act to surveyed lands, and limiting assignments of desert entries to qualified individual entrymen." The text of the bill is as follows:

"That from and after the passage of this act no declaratory statement of intention to reclaim and enter unsurveyed public lands of the United States under the provisions of the act approved March third, eighteen hundred and seventy-seven, entitled 'An act to provide for the sale of desert lands in certain States and Territories,' or the amendments thereto, and no right or claim shall attach to unsurveyed public lands under the provisions of said act and amendments.

"SEC. 2. That assignments of the rights under the provisions of the said act of March third, eighteen hundred and seventy-seven, as amended by section two of the act approved March third, eighteen hundred and ninety-one, entitled 'An act to repeal the timber-culture laws, and for other purposes,' shall only be valid when made to qualified individual entrymen."

The purpose of the proposed bill is understood to be (1) to restrict the allowance of entries under the desert-land laws to surveyed lands, and (2) to permit the assignment of entries made under said laws only to individual assignees who are themselves qualified to make such entries.

First. The adjustment of entries of unsurveyed lands under the law as it now stands is found to be very difficult and often unsatisfactory. Many of such entries are made of tracts described only by metes and bounds, without reference to any existing Government surveys, so that no sufficient record can be made, with a result that this Office is unable to know when the land has been surveyed, and the final adjustment and consummation of the entries is often unduly delayed, the entrymen in the meantime enjoying the possession of the land without final payment therefor But as unsurveyed lands are open to settlement and occupation under the homestead law, there appears to be no sufficient reason why they should not be subject also to occupation in advance of the surveys by those seeking to acquire title under the desert-land law, protecting the claimant by allowing him the same preference right of entry after survey that is given the occupant under the homestead law. It is believed this would avoid most if not all of the objectionable features connected with the allowance of entries of unsurveyed land.

Second. The restriction as to assignments of such entries, as understood to be proposed by the second section of the bill, would effect a modification of the law as now construed to the extent of prohibiting assignment to (1) an incorporation, company, or association, whatever qualifications its individual members might be shown to possess; (2) to an individual not a "resident citizen" of the State or Territory in which the land covered by the entry is situated, and (3) to an individual who had himself or herself made a desert-land entry. This Office sees no objection to such modification, if in the judgment of Congress it should be thought advisable.

I have drafted and submit herewith a form of a substitute bill, which is thought to more fully embody the proposed modifications, together with the suggestions above set out, the passage of which I would respectfully recommend.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

A BILL Restricting the right of entry under the desert-land law to surveyed public lands and limiting the right of assignment of such entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the right to make entry of desert lands under the provisions of the acts approved March third, eighteen

hundred and seventy-seven, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming same, and has marked upon the ground the exterior boundaries of such tract, shall have the preference right to make entry of such tract under said acts within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be himself or herself qualified to make entry under said acts of the land covered by the assigned entry; and no assignment to any incorporation or association shall be authorized or recognized.

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1908.

SIR: I am in receipt of your letter of January 18, inclosing H. R. 11836, Sixtieth Congress, first session, entitled, "A bill to provide for an extension of time to make final proof under the desert land act and amendments thereto." You request in behalf of the Hon. R. W. Bonynge, who introduced the bill, a report thereon.

The effect of the bill, if enacted into law, will be to authorize the land department to grant an extension of time, not exceeding two years, to submit final proof on desert-land entries when, through no fault on the part of the entryman, he is unable to make the required proof within the time prescribed by law, because of some unavoidable complication or delay in the construction of the irrigating canals or ditches intended to convey water to said lands.

The measure of relief, two years, proposed to be granted, will doubtless be found ample in a large proportion of cases, but there may and probably will arise many cases in which the equities would justify the granting of a longer period. I therefore suggest that the words "of not to exceed two years" in line 3 of page 2 be stricken out. It is further recommended that in line 2 of same page the word "corroborated" be inserted after the word "his," making it read "his corroborated affidavit."

The necessity of some legislation of the character contemplated in order to protect entrymen who have shown entire good faith and have made an honest effort to fully comply with the law is beyond question. It is therefore recommended that this bill, with the suggested changes or in the discretion of Congress without them be enacted into law.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary

Hon. F. W. MONDELL,
Chairman the Public Lands Committee, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 693.

GRANTING TO WOODWARD, OKLA., LOT 2 IN BLOCK 48 FOR PUBLIC PURPOSES.

FEBRUARY 10, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BYRD, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 12773.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2 in block 48 for park and other public purposes, submit the following report:

That the bill be amended as follows:

Strike out the word "one" in line 3 and insert in lieu thereof the word "two," and that as thus amended the bill do pass.

There is attached hereto and made a part of this report a letter from the Secretary of the Interior approving the legislation suggested.

It appears that the town of Woodward owns in fee all of block 48 less lot 2. When the original grant was made to the said city of the said block lot 2 was retained to be used as a site for a land office, but the same is not now needed for governmental purposes.

This lot being a part of block 48 is worth more to the city for park purposes than for any other. Not to grant it to the city would greatly impair the use of the balance of the block as a park, which is the intention of the city, and the committee thinks that under all of the circumstances the bill should pass with the reported amendment.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1908.

SIR: I am in receipt of your communication of January 13, 1908, inclosing for report a copy of H. R. 12773, the body of which is as follows:

"That lot numbered one, in block numbered forty-eight, in the city of Woodward and State of Oklahoma, be, and the same is hereby, granted to said city of Woodward for the use and benefit of the inhabitants of said city, for park and other public purposes."

I have the honor to report in relation thereto that lot 2, in block 48, of the town site of Woodward, Okla., was reserved for land-office purposes under the President's proclamation of August 19, 1893 (28 Stat. L., 1226), and section 10 of the act of March 3, 1893 (27 Stat. L., 612, 642).

January 3, 1908, the local officers reported, in substance, that said lot 2 was unoccupied; that there were no structures of any kind thereon, and that the only improvements on the same were "some forest trees planted a few years ago by the city."

They therefore recommended:

"That the same be not longer reserved for Government use, and such action be taken as is necessary to dispose of the same to the town of Woodward for park purposes."

Blocks 1, 14, 70, and 83 in the plat of said town site, containing 8.82 acres, were each designated "schoolhouse reserve;" blocks 36 and 37, containing 3.88 acres, were each designated "public park reserve." Under the President's proclamation of October 13, 1904, lot 1, in block 48, containing 4 acres, reserved in the plat for "courthouse" purposes, was restored to the public domain "to be disposed of to said town of Woodward for public park purposes;" block 57, containing 18.86 acres, in the town site of East Woodward, included in the corporate limits of said city of Woodward, was designated "Lee Park." All of above-mentioned tracts have been patented to "the town of Woodward." It has therefore received title to 8.82 acres for school purposes and to 26.74 acres for park purposes.

It further appears from the records in this office that said lot 2 has not been used for the purpose for which it was reserved, and it is not likely to be hereafter required therefor.

I therefore see no objection to the donation of said lot 2 to the city for the purposes contemplated by the bill, if needed and required for such purposes.

The bill, however, in my opinion is objectionable in form.

In the title of the bill the correct number of the lot is given, but in the body thereof it is given as lot "one" instead of lot 2.

In order that the grant may be to the city in its correct corporate name, and that it may be shown that it is entitled to so take and hold real estate, the city should be required to furnish evidence of its incorporation, and in order to secure such evidence and to perfect a chain of title upon the records of the county, I recommend, if deemed wise to enact the contemplated legislation, that the body of the bill be amended to read as follows:

"That the Secretary of the Interior is hereby authorized and directed to cause a patent to be issued to the city of Woodward, State of Oklahoma, in its corporate name, upon due proof of its incorporation, for lot numberd two, in block numbered forty-eight, in the town site of Woodward and State of Oklahoma, as shown upon the plat of said town site approved by the Commissioner of the General Land Office on September fourteenth, eighteen hundred and ninety-three, for the use and benefit of the inhabitants of said city, for park and other purposes."

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Public Lands Committee, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 695.

AMENDING REVISED STATUTES RELATING TO PATENTS.

FEBRUARY 10, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SULZER, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 15841.]

The Committee on Patents, to whom was referred the bill (H. R. 15841) amending the Revised Statutes of the United States relating to patents, have had the same under consideration and report it with the recommendation that it do pass.

The purpose of the proposed amendment to section 4896 of the Revised Statutes is to correct a palpable error in the existing statute which occurred when it was last amended. On February 28, 1899, section 4896 was amended by inserting therein the provision that when an inventor became insane his legally appointed guardian, conservator, or representative in trust for his estate would have the right of applying for and obtaining a patent. This statute was again amended by the act approved March 3, 1903, by adding thereto the following provision:

The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by a certificate of a diplomatic or consular officer of the United States.

But in that act, after the provision for the amendment, it was stated—

So that the section so amended shall read as follows:

"4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The

authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States."

thus leaving from the statute the provision as to the guardian for the insane inventor which was inserted in the act of February 28, 1899. The purpose of the present amendment is to make the law clear on the point that an application for a patent of an inventor who has become insane may be made by his legal representative, there having been many cases where, through the lack of such a provision in the statute, inventions have been lost, to the great damage of the inventor and his family.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 696.

CATHOLIC CHURCH CLAIMS IN THE PHILIPPINE ISLANDS.

FEBRUARY 10, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COOPER, of Wisconsin, from the Committee on Insular Affairs, submitted the following

REPORT.

[To accompany H. R. 16143.]

The Committee on Insular Affairs, to whom was referred the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, beg leave to submit the following report, and recommend that said bill do pass with the following amendments:

In the blank space at the end of line 4, page 1 of the bill insert the words "four hundred and three thousand and thirty."

In the blank space in line 5, page 1 of the bill, insert the word "nineteen."

In lines 12 and 13, page 1 of the bill, strike out the words "August thirty-first, nineteen hundred and five" and insert in lieu thereof the words "January fifteenth, nineteen hundred and six," so that said bill when amended will read as follows:

A BILL To provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of four hundred and three thousand and thirty dollars and nineteen cents, the same to be paid to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in said islands; and that the acceptance of said sum, paid under the provisions of this act, shall be in full satisfaction of all claims for use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States prior to the date, to wit, January fifteenth, nineteen hundred and six, of the official report of the "board of church claims," which said board, composed of John A. Hull, lieuenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary, and J. W. Moore, first lieutenant, Second

Cavalry, was duly convened August first, nineteen hundred and five, at headquarters Philippines Division in the city of Manila, in said islands, to consider and report upon said claims.

From the time that the American Army landed in the Philippines, in the year 1898, until the complete return of peace in the islands, the Government of the United States, through its military forces, took possession of churches, contiguous parish houses, school buildings, seminary buildings, etc., and used them as hospitals, prisons, or barracks. After the cessation of hostilities, in many instances the occupation of the buildings had to be continued until suitable quarters could be constructed for the garrisons which remained in the archipelago, the entire time of the occupancy varying in individual cases from a few weeks to two years or more. This occupation by the Government wholly excluded the church authorities, preventing them from taking any measures for the protection of the property. Many of the buildings so occupied were fine structures. For example, the cathedral at Manila, a large stone building with high walls and a dome and possessing an interior ornamented by handsome woodwork, was used at one time to imprison between 3,000 and 4,000 Spanish soldiers. Buildings thus seized and occupied were often seriously damaged, sometimes partially or wholly destroyed.

As presented, the claims demanded compensation for occupancy and damages not only by our own forces, but also by the insurgent forces, and were of two classes, namely, claims of the church proper and claims of the friars.

This report and the accompanying bill do not at all relate to the claims of the friars, but only to those of the Catholic Church proper.

These claims of the Catholic Church were presented at Manila before a board of officers called the "board on church claims," appointed under a special order of the War Department for the sole purpose of making an investigation and report. This board, composed of Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Infantry, U. S. Army, was duly convened on August 1, 1905, at Headquarters Philippines Division, city of Manila, and at once entered upon what proved to be an exhaustive investigation, conducted under rigid rules and instructions prescribed therefor by the Secretary of War (see Exhibit A, post) and lasting for the better part of six months.

Your committee are convinced that the board was most painstaking and conscientious, and that it performed its duties with exceptional thoroughness and ability. All of the many witnesses before it were examined under oath. Moreover, the members of the board themselves were personally acquainted with the cities, towns, and villages in the archipelago where the structures in question were situated. Many of these they visited in order to determine as thoroughly as possible from personal inspection, the rental value of the property and the amount of damage inflicted upon it by our troops.

The award of the board carefully excluded compensation, first, for damages done by the insurgents; second, for damages incident to military operations; third, for wanton damages by soldiers of the American Army; fourth, for use and occupancy and damages by servants of the civil government.

Fifty-nine of the cases presented by the church authorities were reported upon adversely, the board holding that no rent was due, that the damage was done by the enemy, or that it was an incident of active warfare.

The total amount claimed was	$2,442,963.13
The total amount awarded by the board was	363,030.19

A copy of the report of the board containing a complete list of the claims, and a detailed statement of its proceedings, findings, and award, is hereunto annexed. (Exhibit B, post.)

In the hearings before your committee, Secretary of War William H. Taft appeared as a witness and gave testimony at length, as did also Col. John A. Hull, U. S. Army, senior member of the board on church claims, and Maj. John Biddle Porter, judge-advocate, U. S. Army, at present assistant in the office of the Judge-Advocate-General. All of these witnesses were exceptionally well qualified, by reason of long experience in the Philippine Islands, to testify as to conditions concerning the claims in question. Your committee had also before it the original papers in the claims covered by the report of the board, and made frequent use of these during the hearings. All of the witnesses before your committee were united and positive in asserting that the award of the board was very conservative, Colonel Hull himself testifying that in his judgment $500,000 would not be an excessive award at this time. Secretary Taft was of the same opinion.

The testimony before the board, and also that before your committee, shows plainly that since the damage was inflicted there has in many cases been a very serious deterioration of the property, owing to its exposure to the elements. Bishop Rooker, now deceased, an American and a former resident of Washington, testified (December 5, 1906) under oath before the board, that if the Government of the United States were to grant the claims of his diocese (Jaro) just as they were presented, the condition of the damaged structures there would still remain "very much deteriorated in comparison with what it was before the war." He declared that "the sums asked for would be insufficient to put the property back to its original condition," because, "as time has passed, the deterioration to the damaged buildings has increased month by month. This subsequent deterioration was not included in the claims presented." The bishop testified that if a certain claim for $1,000 had been paid at the time the damages were inflicted, this amount would have restored the property to its original condition, but that at the time he gave his testimony the restoration would cost not less than $5,000.

It was the testimony of Colonel Hull that the award of the board was "based not on the value at the time it was made (1905–6), but upon the value at the time of the occurrence (1898–1902)." He added:

> I probably have a more intimate knowledge of these claims than any other one man. I have gone over them all, and I know them intimately. I am confident that $500,000 would not be an excessive award at this time. * * * Prices have increased wonderfully from the time that I first went to the Philippines, in 1899, and I have no doubt that this has continued to go on. Five hundred thousand dollars to-day would not do any more than $363,000 would two years ago. It would do about the same.

The property mentioned in the claims was that of a noncombatant, an organization devoted to charitable, educational, and religious purposes. The damages were inflicted while the property was in the exclusive occupation and control of the Government of the United States. Payment for such occupation and damages can be sustained upon the principle that private property should not be taken for public use without due compensation.

Precedents for the payment of such claims by Congressional appropriation are numerous. Congress has from time to time appropriated money to compensate for use and occupation of the property of institutions—religious, educational, or charitable—and for damages done thereto by our military forces during the civil war. The following is a list of some of these appropriations:

Forty-first Congress: The Kentucky University, at Lexington, Ky., was paid $25,000 for the use and occupation of their buildings by the United States troops, (16 Stat. L., 678.)

Forty-third Congress paid the East Tennessee University $18,500 for use of its property. (18 Stat. L., 604.)

Forty-eighth Congress donated 46,080 acres of public land to the University of Alabama, to be applied to the erection of suitable buildings for said university, which was destroyed by fire on April 4, 1865, during the military operations at Tuscaloosa. (23 Stat. L., 12.)

Fiftieth Congress paid the Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., $18,729.09, for stone and material taken and used by the military authorities of the United States during the civil war. (25 Stat. L., 1188): the Baptist Female College, Lexington, Mo., $3,167.67 as compensation for rent of the college building while used by the United States Army for four years from 1861. (25 Stat. L., 1189.)

Fifty-second Congress paid to William and Mary College of Virginia $64,000 to reimburse said college for the destruction of its buildings and other property destroyed without authority, by soldiers of the United States Army during the civil war. (27 Stat. L., 744.)

Fifty-third Congress paid to Washington College (now known as the Washington and Lee University), located at Lexington, Va., $17,848 for injury to its buildings, apparatus, libraries, and other property injured or destroyed by troops of the United States Army during the late war. (28 Stat. L., 1039.)

Fifty-fifth Congress paid to the book agents of the Methodist Episcopal Church South $288,000 as compensation for property of said corporation, including the buildings and grounds and all machinery and all material of every kind, used, taken away, injured, consumed, or destroyed by the United States or its Army, or for its benefit in any way, during the years 1864 and 1865. (30 Stat. L., 1401.)

Fifty-seventh Congress paid (32 Stat. L., 234, 235) the following claims: To the trustees of the German Evangelical Church, at Martinsburg, W. Va., $2,500 on account of the destruction of their church building and its furniture, on February 17, 1863, while they were in possession of a portion of the military forces of the United States; to the trustees of the Methodist Episcopal Church of Martinsburg, W. Va., $1,850 for the use and occupation thereof by the Federal troops from March, 1862, to April, 1865; to the bishop and trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., $2,880 for use and occupancy of said church by the Army of the United States during the war of the rebellion; to the Cumberland Female College, McMinnville, Tenn., $5,000 for the use, occupancy, and consumption of its property for hospital and other army purposes during the late war of 1861 to 1865 by the military authority of the United States; to the Richmond College, Richmond, Va., $25,000 to reimburse said college for the occupation of its buildings and grounds by the United States troops and officers for eighteen months commencing in April, 1865, and for injury and destruction of the buildings, apparatus, libraries, and other property of said college by said troops and officers; to the Stewart College (now the Southwestern Presbyterian University), at Clarksville, Tenn., $25,019.96, for use and occupation of the buildings and grounds, for material used, and for injury to its buildings, apparatus, and other property by United States troops during the civil war; to the Catholic Church at Macon City, Mo., $725 for use and occupation of said church during the civil war; to the St.

Charles College, Missouri, such amount, if any, found upon investigation by the Quartermaster's Department to be due for use of its buildings and grounds by the United States military authorities during the civil war.

The only claimant that has ever asked compensation for damages to the property mentioned in the report of the board on church claims or for use of the same, is the Roman Catholic Church in the Philippine Islands. The only other possible claimant for compensation for damages would be the Government of the United States or its grantees, if such there were, upon the assumption or theory that prior to the war the title to the property was in Spain, and that, therefore, by virtue of the treaty of Paris, it became vested in the United States. This assumption that the title to church property in the Philippines passed from Spain to the United States by the treaty of Paris, has received attention in the supreme court of the Philippine Islands in an opinion rendered by Justice Willard in the case of Jorge Barlin, bishop, etc., plaintiff and appellee *v.* P. Vincente Ramirez, ex-rector, etc., and the municipality of Lagonoy, defendants and appellant.

The plaintiff brought this action against the defendant, Ramirez, alleging in his complaint that the Roman Catholic Church was "the owner" of a certain church building and other property belonging thereto, that defendant went into possession of the same as its representative and asking that the church be restored to the possession thereof.

The answer of the defendant Ramirez, in addition to a general denial, admitted that he was in possession of the property with the authority of the municipality of Lagonoy and of the inhabitants of the same, who were the "lawful owners" of the property. The municipality of Lagonoy being permitted to intervene, filed an answer, in which it alleged that the defendant Ramirez was in possession of the property under the authority and with the consent of the municipality of Lagonoy, and that such municipality was "the owner" thereof.

The plaintiff replied to this complaint, or answer in intervention, and the case was tried and judgment entered in favor of the plaintiff and against the defendants.

In deciding the case the supreme court, Justice Willard rendering the opinion, expressly declared that the assumption that the Spanish Government was the owner of the property, and that it passed by the treaty of Paris to the American Government is not true. Says the court:

As a matter of law, the Spanish Government at the time the treaty of peace was signed, was not the owner of this property, nor of any other property like it situated in the Philippine Islands.

If, when the treaty of Paris was signed, the Spanish Government was not the owner of the property in question in that case, "nor of any other property like it situated in the Philippine Islands," it follows, of course, from this decision of the court, that the Government of the United States has never had any title to the property mentioned in the claims presented before the board on church claims and appropriated for by the accompanying bill. This particular conclusion of the court was based largely, if not entirely, upon the laws of the Spanish Government defining the status of all property in the Philippines. A copy of the opinion is printed herewith. (Exhibit C, post.)

For generations before the war between the United States and Spain, the exclusive right to possess, control, and occupy buildings devoted to religious purposes was in the church. If, for the purpose of argument, the decision above cited, of the supreme court of the islands were to be ignored, it, nevertheless, can not truthfully be said that the relation of the Spanish Government to the property mentioned in these claims was ever other than that of a mere trustee. The Government of the United States can not, and ought not, to hold the property as trustee of any church, Catholic or Protestant.

Without respect [illegible] legal title to the property, there can be no question that in e[illegible] belonged to the Catholic Church.

Board on [illegible] Claims included in its report a statement [illegible]

[illegible] liberality desire to compensate the church for the [illegible] and c[illegible] way of sacred ornaments, images, vestments, etc., [illegible] commend t[illegible] of $40,000 be paid, as, in the opinion of the board, [illegible] would [illegible] ample.

[illegible] the amou[illegible] med by the Church for these [illegible] of [illegible] $298,222.50.

[illegible] recommen[illegible] passage of the accompanying [illegible] providing [illegible] payment of $403,030.19 to the [illegible] ila as [illegible] ive and trustee of the Roman [illegible] in the [illegible] Islands, this amount when so [illegible] all claims for the use and occupa- [illegible] h in said islands, and for damages [illegible] ces of the United States, and also [illegible] ing away and loss of articles of cult [illegible] uary 15, 1906, the date of the official [illegible] claims.

[illegible] e accompanying bill includes no allow- [illegible] ment by the Government of interest on [illegible] form practice.

SEMINARIO (BOYS' SCHOOL), NUEVA CACERES, AMBOS CAMARINES. EXHIBIT NO. 1554

CATHEDRAL, NUEVA CACERES, AMBOS CAMARINES. EXHIBIT NO. 1555.

GIRLS' SCHOOL, VIGAN, ILOCOS SUR. EXHIBIT NO. 1560.

FRONT OF CHURCH AT HILONGOS, LEYTE, AFTER DESTRUCTION. EXHIBIT NO. 1565.

SIDE VIEW OF CHURCH AND CONVENTO, HILONGOS, LEYTE, AFTER DESTRUCTION. EXHIBIT NO. 1566.

EXHIBIT A.

TRANSPORT LOGAN, *September 2, 1905.*

GENERAL: I am in receipt by reference of August 4 of the communication of August 3 to the military secretary of the Philippines Division by Lieutenant-Colonel Hull, judge-advocate and president of the board of church claims.

In this letter of August 3 Colonel Hull, on behalf of the board, requests instructions on certain points, which I now take up in their order:

First. Church property the title to which was probably in Spain.

Colonel Hull says that a number of buildings, such as the cathedral and various archbishops' palaces, were constructed mainly by the Spanish Government with Government money, were known as buildings of the state, and were kept in repair from funds of the central treasury. He says that the question as to the ownership of the archbishop's palace at Nueva Caceres was before me while I was civil governor in the islands, but that no determination was made that would clearly guide the board, and asks whether, under the circumstances, the board shall report such claims for payment.

Personally, after having looked somewhat into this matter of title, I have no doubt whatever that the cathedral and the various archbishops' palaces belong to the Roman Catholic Church. It is true they were constructed partly out of funds furnished by the Spanish Government and on land belonging to the Government, but they were constructed in accordance with the concordat in which the Spanish Government agreed to furnish the churches and other ecclesiastical buildings used for ecclesiastical purposes, and by the very act of construction and of delivery to the church authorities the title in equity passed, whether what we would call legal title passed or not. For that reason I think the rents for such buildings and the damages in use and occupation ought to be paid by the Government of the United States to the Roman Catholic Church, and the board reporting, in cases where doubt arises, that such doubt exists, should nevertheless include in their award the amounts for the rent of such buildings and for damages in use and occupation.

Second. Damages incident to military operations and as an incident of war.

Colonel Hull says that a number of such claims have been submitted—for example, the claim for Paco church, amounting to ₱554,785; that at the outbreak of hostilities in February, 1899, this church was occupied by insurgents, and was shelled by the United States artillery, and during the engagement the church was set on fire and destroyed.

As to this class of claims, of course no recovery can be had. The property was destroyed in the train of hostilities and the loss sustained

must be borne by the persons upon whom inflicted. The Government of the United States can not be made liable under any such circumstances for any damages incident to war.

Third. Wanton damage by soldiers, theft of church property, etc. It is said that a large number of cases with an immense aggregate have been filed which fall under this head; that so far as the board has been able to look into these cases it will be impossible to ascertain any facts in relation to this class; that the witnesses presented by the church will seldom swear to more than the goods disappeared while the Americans were in possession; that such a long time has elapsed that the statements will be so vague as to be almost impossible to contradict; that it is a well-known fact that some damage was done by American troops, but every case that came to the attention of the authorities was promptly investigated and the guilty persons punished and reparation made whenever it was possible to do so; that no complaints were filed by the church authorities while the events were fresh and evidence obtainable, and it is believed that it is now impracticable to make any investigation; that the improbability of many of the claims is shown by the fact that items of silver, etc., are claimed as taken away by the Americans, although the property had been abandoned by the church and was in the possession of the insurgents for a long time.

With respect to this class of claims, all I can say is that the board must use its sound discretion. Under the principles of law, which are well understood, the wanton destruction of property by an enlisted man or a number of enlisted men, without the authority either given in advance or conferred afterwards by ratification *in pais* of the commanding officer, does not make the United States responsible; but there must be in such cases many instances of damage or destruction by enlisted men in the course of the occupation of the building that were either directly authorized by the commanding officer or were of such a character that the commanding officer must, in the occupation of the building, have anticipated that such damage would take place and so, in effect, authorized it.

Now, there is a class of damages usually incident to occupation by soldiers with respect to which the Government might always be made liable. The seizure, however, of sacred vessels, of sacred vestments, presumed only by their absence at the end of the occupation by the soldiers, I should regard as of very doubtful validity unless the evidence were direct tending to show that this course was taken by the soldiers and authorized by the officers, and especially are presumptions of this character not to be indulged in where there was previous occupation by the insurgents and where the evidence is not distinct of what the condition of the buildings was when entered and the presence of particular property when the United States entered into occupation. I do not intend to advise the board to be technical or to be illiberal in estimating damages to property ordinarily incident to occupation by troops who are not particularly careful of the property in which they live, but I do wish to advise against the allowance of large damages for the disappearance of particularly valuable vessels or vestments which were probably stolen long before the troops entered into occupation and with respect to which it is to be supposed the church authorities would exercise the utmost care in their preservation before the occupation of the property by the troops. I can

not give more direct instructions on this point and must trust to the careful examination of the board in not making unreasonable and excessive recommendations, but in allowing everything in the way of damages which might reasonably have been anticipated by those familiar with the methods pursued by soldiers in an enemy's country in the occupation of buildings with the relaxation of discipline that follows such unusual circumstances.

Fourth. Damages done by the insurgents.

Of course no damages can be paid by the United States for injuries inflicted by the insurgents.

Fifth. Rentals and damages caused by servants of the civil government.

Of course such rentals and damages are not to be paid out of the Treasury of the United States, but if there is any claim sufficiently well established to justify the board to make recommendation for damages caused by agents of the civil government, they may very well make an estimate, and through the commanding general forward it to the governor-general of the islands.

Colonel Hull concludes with the statement that it is the understanding of the board that the report will be made the basis of a recommendation by the War Department to Congress; that the church is not presenting its claims as to its strict legal rights, but with the intention of asking an equitable amount from the liberality of Congress, and that it is the desire of the board in its report to adopt a similar view and, while rejecting all claims that may be extortionate or exorbitant, to be guided by an honest endeavor to deal fairly and equitably with the claimants.

This conclusion of the board states correctly the attitude of the War Department in this matter, and a report based on this view will be received by the War Department and approved and forwarded to Congress with its earnest recommendation for appropriation.

Very respectfully,

WM. H. TAFT,
Secretary of War.

Maj. Gen. HENRY C. CORBIN, U. S. A.,
Commanding General Philippines Division, Manila.

EXHIBIT B.

PROCEEDINGS BOARD ON CHURCH CLAIMS.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., January 15, 1906.

Proceedings of a board of officers convened at Manila, P. I., by virtue of the following order:

SPECIAL ORDERS, No. 175. } HEADQUARTERS PHILIPPINES DIVISION, *Manila, P. I., July 31, 1905.*

[Extract.]

* * * * * * *

3. In compliance with instructions of the Secretary of War dated June 12. 1905, a board of officers, to be known as the "Board on Church Claims," is hereby convened to meet at these headquarters at 9 o'clock a. m., August 1, 1905, to investigate and report upon such claims as may be submitted to it from these headquarters.

Detail for the Board: Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary; Maj. William W. Gibson, General Staff.

The board, in the performance of the duties imposed on it, will be governed by instructions from these headquarters.

* * * * * * *

By command of Major-General Corbin:

JOHN G. D. KNIGHT,
Lieutenant-Colonel, General Staff, Chief of Staff.

Official.
W. A. SIMPSON,
Military Secretary.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 1, 1905.

The board met, pursuant to the foregoing order, at 9 o'clock a. m.

Present: Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary; Maj. William W. Gibson, General Staff.

The order convening the board, and the instructions, consisting of an official copy of the opinion of the Judge-Advocate-General, of June 12, 1905, with the action of the Secretary of War thereon, were then read. Copy of instructions hereunto attached, marked "A."

The board then commenced the consideration of the claims heretofore filed by Monseigneur A. A. Agius, archbishop of Palmyra, papal delegate. The president of the board was directed to notify the papal delegate that the board would meet each morning at 9 o'clock for the consideration of his claim, and that he could be present in person, or by such representatives as he might see fit, at the sessions of the board.

The board thereupon adjourned.

WILLIAM W. GIBSON,
Major, General Staff.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 31, 1905.

The board met pursuant to adjournment.

Present: All the members.

A copy of a letter written on August 3 to the military secretary requesting instructions is attached, marked "B."

During the past month the board at its daily sessions has completed the following cases:

[All sums are expressed in Conant.]

No. 1. Cathedral of Manila. Amount claimed ₱17,818.42.

The present cathedral was built between the years 1870 and 1879, upon plans approved by the minister of colonies at Madrid, and from funds contributed one-third by the faithful, one-third by the general island treasury, and one-third from the local funds.

The board is informed by the church authorities that the title to the land on which this building is located is in the church. The bureau of archives reports that the antiquity of the archbishopric of Manila, which was founded in 1580, makes it impossible to determine the actual ownership of this land. This is one of the numerous buildings in the islands, known as buildings of the state.

The question as to the title has never been decided, although it was considered by Governor Taft, in 1903, in relation to the archbishop's palace at Nueva Caceres, in which case he held that it would not be advisable to come to a definite conclusion administratively, but would refer the question to the courts. As the only possible claimants can be the United States and the Catholic Church, no suit has been instituted, and the clergy is now in peaceful possession of the property.

The cathedral was occupied immediately after the capitulation of the city of Manila, as barracks for prisoners of war, both Spanish and native, Spanish and native troops being placed therein. It is impossible to learn whether this was done by an agreement between the Spanish general and the archbishop, but there can be no question that it was sanctioned by the United States military authorities, as, after the outbreak of hostilities on the 4th of February, guards were placed over the native prisoners of war so that they could not escape and join the insurgents.

The building received the hardest possible kind of treatment, due probably to the large number of prisoners using it, sometimes aggregating almost 4,000 men.

In view of the fact that the question has been considered by Colonel Crowder, General Otis, General Davis, and the present Secretary of War, we expressed no opinion as to the title, but recommend that rental at the rate of ₱1,500 per month for seven months, amounting to ₱10,500, and damages to woodwork, etc., ₱1,150, total ₱11,650, be paid.

(Exhibits 1–8.)

No. 2. Ateneo, of Manila, belonging to the Society of Jesus. Claim for rental and damages, ₱7,500.

This building was occupied by a large number of officers and enlisted men of the Spanish prisoners of war for a period of seven months. We recommend payment of rental at ₱900 per month for seven months, ₱6,300. No damages.

(Exhibits 9–12.)

No. 3. Order of Mission of the Jesuits of Santa Ana, Rizal. Claim for rental and damages, ₱500.

This building was occupied by the Washington Volunteers for a short time, and it is recommended that payment of rental amounting to ₱400 be made. No damages.

(Exhibit 13.)

No. 4. Malate convent, Manila. Claim for rental and damages, ₱7,650.

This building was occupied from about the 15th of August by two batteries of artillery, and subsequently by Company B, Engineers. We recommend payment only of rental, amounting to ₱2,200, and that damages be not favorably considered; total, ₱2,200.

(Exhibits 14–17.)

No. 5. Church and convent at Pasay (Pineba), Rizal. Claim for rent and damages, ₱26,426.50.

This property has been personally examined, and payment of rental for the church, amounting to ₱850, rental for the convent, amounting to ₱2,700, and damages to both, amounting to ₱1,000, is recommended; total of ₱4,550.

We have disregarded the claim for rent for occupation during the last eight months, as it was occupied by Company H, native police.

(Exhibits 18–20.)

No. 6. Claim for rental and damages to church and convent at Paranaque, Rizal, amounting to ₱56,396.67.

The church and convent at this place were greatly injured by the cannonading of the U. S. Monitor *Monadnock* during active hostilities, and we are informed that they were also injured during the hostilities incident to the insurrection of 1896 and 1897.

Damages done have been disregarded, as being an incident of warfare, and it is recommended that payment of rental for the church of ₱2,100, for the convent of ₱4,296, and damages to both, amounting to ₱4,000, be made; a total of ₱10,396.

(Exhibits 21–22.)

No. 7. Rental and damages to convent and church at San Pedro Macati, Rizal, with occupation of the mission at Caliculi, amounting to ₱8,219.

We recommend payment for rental of convent, ₱120; of the church, ₱180, and of the mission, ₱140, together with damages to the church of ₱1,700, and convent of ₱800; a total of ₱2,940.

(Exhibits 23–25.)

No. 8. Baganga, Mindanao. Amount claimed for rental and damages, ₱825.35.

We recommend the payment of ₱765 as rental. No damages.

(Exhibits 26–27.)

No. 9. Caraga, Mindanao. Claim for rental and damages amounting to ₱115.34.

We recommend the payment of ₱90 as rental. No damages.

(Exhibits 28–29.)

No. 10. Agutaya, Cuyo. Claim for damages to convent amounting to ₱60.

We recommend that this sum be allowed.

(Exhibit 30.)

No. 11. Puerto Princesa, Paragua. Claim for rental and domages amounting to ₱700.

We recommend that ₱600 be allowed for rental. No damages.

(Exhibits 31–32.)

No. 12. Kalibo, Capiz. Claim for ₱6,426.25 and ₱21,903.

The destruction of his property was an incident of war, and it is recommended that nothing be paid therefor.

(Exhibit 33.)

No. 13. Madalog, Capiz. Claim for damages, ₱57.50.

Bishop Rooker has abandoned this claim in view of the action taken on the Agutaua claim (No. 10).

(Exhibit 34.)

No. 14. San Felipe Neri, Rizal. Rental and damages to church and convent, amounting to ₱19,645.96.

We recommend payment of rent amounting to ₱1,343.96, and damages to the floor in the church amounting to ₱270; total, ₱1,613.96.

(Exhibits 35–36.)

No. 15. Dingle, Iloilo. Claim for damages to church and convent amounting to ₱3,390.

As the destruction was an incident of war, it is recommended that nothing be paid.

(Exhibit 37.)

No. 16. Pasig, Rizal. Claim for rental and damages to the church and convent and to the chapels in the suburbs amounting to ₱62,680.10.

It is recommended that ₱4,075 be paid as rental for the church and convent and storerooms, and that damages to the church and convent in the sum of ₱3,000 be paid. It is recommended that no damages be paid for the destruction of the missions in the suburbs, the same being an incident of warfare. Total, ₱7,075.

(Exhibits 38–39.)

No. 17. Imus, Cavite. Claims amounting to ₱4,210.

We recommend allowance of rental for convent at ₱60 per month, thirty and one-half months; total, ₱1,830. No damages.

(Exhibits 40–41.)

No. 18. Naic, Cavite. Claim for rental and damages amounting to ₱3,007.90.
We recommend payment of rental claimed, ₱2,687.90. No damages.
(Exhibits 42–43.)

No. 19. Silang, Cavite. Claims for rental and damages amounting to ₱5,460.
We recommended allowance of rental at ₱150 per month for twenty-nine months, ₱4,350, and damages, ₱500; total, ₱4,850.
(Exhibits 44–46.)

No. 20. Las Marinas, Cavite. Claims for rental and damages amounting to ₱2,980.
We recommend payment of rental at ₱30 per month, thirty-eight months, ₱1,140, and damages, ₱200; total, ₱1,340.
(Exhibits 47–48.)

No. 21. Bulacan, Bulacan. Claims for rental and damages amounting to ₱10,200.
We recommend payment of rental, ₱5,400, and damages, ₱1,700; total, ₱7,100.
(Exhibits 49–50.)

No. 22. Bustos, Bulacan. Claims for rental and damages amounting to ₱672.
We recommend payment of ₱75 as rental. No damages.
(Exhibits 51–52.)

No. 23. San Ildefonso, Bulacan. Claims for rental and damages amounting to ₱925.
We recommend payment of rental, ₱125; damages, ₱300; total, ₱425.
(Exhibits 53–54.)

No. 24. San Miguel, Bulacan. Claims for rental and damages amounting to ₱3,800.
We recommend payment of rental, ₱80 per month, for thirty months, ₱2,400, and damages, ₱800; total, ₱3,200.
(Exhibits 55–56.)

No. 25. Santa Isabel, Bulacan. Claims for rental and damages amounting to ₱1,017.50.
We recommend payment of ₱25 as rental. No damages.
(Exhibits 57–58.)

No. 26. Santa Maria, Bulacan. Claims for rental and damages amounting to ₱96,580.50.
We recommend payment of ₱520 as rental. No damages.
(Exhibits 59–60.)

No. 27. Baliuag, Bulacan. Claims for rental and damages, ₱6,953.33.
We recommend payment of rental, ₱3,700; damages. ₱1,175; total, ₱4,875.
(Exhibits 61–62.)

No. 28. Binangonan, Rizal. Claim for rental and damages to convent and church amounting to ₱7,475.50.
We recommend payment of rental at ₱40 per month for forty-five months, ₱1,800. No damages.
(Exhibits 63–65.)

No. 29. Zamboanga, Mindanao. Claim for rental and damages to church and convent amounting to ₱850.
We recommend payment of ₱600 rental. No damages.
(Exhibits 66–67.)

No. 30. Siniloan, Laguna. Claim for rental and damages to convent and church amounting to ₱7,461.
We recommend payment of rental, twenty-six and one-half months, at ₱40 per month, ₱1,060, and damages amounting to ₱1,500; total, ₱2,560.
(Exhibits 68–69.)

No. 31. Mavitok, Laguna. Claim for rental and damages to church and convent amounting to ₱6,445.75.
We recommend payment of rental, nineteen months, at ₱40 per month, ₱760, and damages, ₱1,000; total, ₱1,760.
(Exhibits 70–71.)

No. 32. Jolo, Jolo. Claim for rental of church and convent amounting to ₱1,998.
We recommend payment of rent, church, twenty-five months, at ₱50 per month, ₱1,250; convent, twenty-four and one-half months, at ₱20 per month, ₱492; total, ₱1,742. No damages.
(Exhibits 72–74.)

No. 33. Atimonan, Tayabas. Claim for rental and damages to convent amounting to ₱7,700.

We recommend payment of rent, thirty-eight months, at ₱150 per month, ₱5,700; damages, ₱400; total, ₱6,100.

(Exhibits 75–77.)

No. 34. Palanqui, Albay. Claim for rental and damages to convent amounting to ₱1,050.

We recommend payment of rent, ₱400; damages, ₱100; total, ₱500.

(Exhibits 78–80.)

No. 35. Camaligan, Ambos Camarines. Claim rental of convent amounting to ₱750.

We recommend payment of rent, ₱500. No damages.

(Exhibit 81.)

No. 36. Legaspi, Albay. Claim for rental and damage to church and convent amounting to ₱18,897.

We recommend payment of rent, church, ₱500; convent, forty-eight months, at ₱150 per month, ₱7,200; damages, ₱2,000; total, ₱9,700.

(Exhibits 82–85.)

No. 37. Lucena, Tayabas. Claim for rental and damages to convent amounting to ₱8,400.

We recommend payment of rent, ₱1,600; damages, ₱200; total, ₱1,800.

(Exhibits 86–89.)

No. 38. Camalig, Albay. Claim for rental and damages to church and convent amounting to ₱5,124.

We recommend payment of rent, ₱700; damages, ₱400; total, ₱1,100.

(Exhibits 90–92.)

No. 39. San Fernando, Ambos Camarines. Claim for rental and damages to church and convent amounting to ₱20,475.

We recommend payment of rent, ₱50, and that no damages be paid, as the destruction of these buildings was an incident of war.

(Exhibits 93–95.)

No. 40. Lucban, Tayabas. Claim for rental and damage to convent amounting to ₱5,981.

We recommend payment of rent, thirty months, at ₱80 per month, ₱2,400; damages, ₱1,020; total, ₱3,420.

(Exhibits 96–97.)

No. 41. Baao, Ambos Camarines. Claim for rental and damages to convent amounting to ₱8,618.

We recommend payment of rent, ₱2,100; damages, ₱175; total, ₱2,275.

(Exhibits 98–100.)

No. 42. Nabua, Ambos Camarines. Claim for rental and damages to convent amounting to ₱10,527.

We recommend payment of rent, twenty-four months, at ₱200 per month, ₱4,800; damages, ₱137; total, ₱4,937.

(Exhibits 101–103.)

No. 43. Buhi, Ambos Camarines. Claim for rental and damages to church and convent amounting to ₱5,762.

We recommend payment of rent, ₱2,500; damages, ₱77; total, ₱2,577.

(Exhibits 104–105½.)

No. 44. Libmanan, Ambos Camarines. Claim for rental of church and convent, amounting to ₱9,000.

We recommend payment of rent, ₱6,000. No damages.

(Exhibits 106–107.)

No. 45. Daet, Ambos Camarines. Claim for rental and damages to church and convent, amounting to ₱3,355.

We recommend payment of rent, ₱2,200. No damages.

(Exhibits 108–109.)

No. 46. Libon, Albay. Claim for rental and damages to convent, amounting to ₱1,440.

We recommend payment of rent, ₱240; damages, ₱200; total, ₱440.

(Exhibits 110–112.)

No. 47. Sorsogon, Sorsogon. Claim for rental and damages to church and convent, amounting to ₱8,980.

We recommend payment of rent, 54 months, at ₱50 per month, ₱2,700; damages, ₱665; total, ₱3,365.

(Exhibits 113–116.)

No. 48. Unisan Tayabas. Claim for rental and damages to convent, amounting to ₱880.

We recommend payment of rent, eleven months, at ₱40 per month, ₱440. No damages.

(Exhibits 117–119.)

No. 49. Sariaya, Tayabas. Claim for rental of convent, amounting to ₱2,500.

We recommend that this sum be paid. No damages.

(Exhibits 120–121.)

No. 50. Bato, Ambos Camarines. Claim for damages to convent, amounting to ₱240.

We recommend that this sum be paid. No damages.

(Exhibits 122–123.)

No. 51. Bulan, Sorsogon. Claim for rental and damages to convent, amounting to ₱18,780.

We recommend payment of rent, forty-five months, at ₱120 per month, ₱5,400; damages, ₱1,000; total, ₱6,400.

(Exhibits 124–128.)

No. 52. Tabaco, Albay. Claim for rent and damages to church and convent, amounting to ₱13,145.

We recommend payment of rent, ₱4,200; damages, ₱1,800; total, ₱6,000.

(Exhibits 129–131.)

No. 53. Lopez, Tayabas. Claim for rental and damages to convent, ₱3,264.94.

We recommend payment of rent, thirty-four months, at ₱60 per month, ₱2,040; damages, ₱300; total, ₱2,340.

(Exhibits 132–134.)

No. 54. Gubat, Sorsogon. Claim for rental and damages to church and convent, amounting to ₱3,750.

We recommend payment of rent, five months, at ₱100 per month, ₱500; damages, ₱900; total, ₱1,400.

(Exhibits 135–137.)

No. 55. Yriga, Ambos Camarines. Claim for rent and damages to convent, amounting to ₱4,255.

We recommend payment of rent, ₱2,500; damages, ₱150; total, ₱2,650.

(Exhibits 138–140.)

No. 56. Bula, Ambos Camarines. Claim ₱500 for the burning of certain missions.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibit 141.)

No. 57. Bulusan, Sorsogon. Claim ₱144,745 for the destruction by burning of the church, convent, and missions of the town and its suburbs.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibits 142–143.)

No. 58. Pilar, Sorsogon. Claim destruction of church and its effects, amounting to ₱34,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 144–145.)

No. 59. Dolores, Tayabas. Claim damages to church and convent by fire, amounting to ₱12,470.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 146.)

No. 60. Labo, Ambos Camarines. Claim damages to church, convent, and effects therein by fire, amounting to ₱53,974.25.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 147–148.)

No. 61. Jovellar, Albay. Claim damages to church, convent, and effects therein by fire, amounting to ₱1,829.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 149.)

No. 62. Manguirin, Ambos Camarines. Claim damages to church, convent, and effects therein to the value of ₱11,700.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 150.)

No. 63. Alcala, Pangasinan. Claims rental for convent from November, 1899, to October, 1902, at ₱100 per month, ₱3,600.

We recommend payment of rental for seven months at ₱40 per month, ₱280. No damages.

(Exhibits 151–152.)

No. 64. Aguilar, Pangasinan. Claims rental of and damages to convent amounting to ₱1,651.

We recommend payment of rental for twenty-one months at ₱50 per month, ₱1,050, and damages in the sum of ₱518; total, ₱1,568.

(Exhibits 153–154.)

No. 65. Salasa, Pangasinan. Claim for rental, church and convent, eighteen months at ₱100 per month, ₱1,800, and damages, ₱1,040.

We recommend payment of rental for eighteen months at ₱50 per month, ₱900, and damages in the sum of ₱250; total, ₱1,150.

(Exhibits 155–156.)

No. 66. Urdanata, Pangasinan. Claim is for rental of convent at ₱100 per month, twenty-seven months, ₱2,700, and for damages, ₱240; total, ₱2,940.

We recommend payment of rental for twenty-seven months at ₱70 per month, ₱1,890, and damages in the sum of ₱50; total, ₱1,940.

(Exhibits 157–158.)

No. 67. Santa Barbara, Pangasinan. Claim, rental for convent ₱2,000, twenty months at ₱100 per month, and damages ₱323.50; total, ₱2,323.50.

We recommend payment of rent twenty months at ₱50 per month, amounting to ₱1,000, and damages in the sum of ₱100; total, ₱1,100.

(Exhibits 159–160.)

No. 68. Calasia, Pangasinan. Claim rent of convent thirty-three months at ₱100 per month, ₱3,300, and damages to church and convent in the sum of ₱291; total, ₱3,591.

We recommend that the sum of ₱3,300 be paid, rental thirty-three months at ₱100 per month, and that no damages be considered; total, ₱3,300.

(Exhibits 161–162.)

No. 69. San Carlos, Pangasinan. Claim, rent of convent, twenty-seven months, at ₱100 per month, ₱2,700, and damages ₱2,290; total, ₱4,990.

We recommend that rent be paid for 28½ months at ₱70 per month, ₱1,995, and that ₱300 be paid for damages; total, ₱2,295.

(Exhibits 163–164.)

No. 70. Malasiqui, Pangasinan. Claim, rent of convent, ₱2,250, and damages in the sum of ₱276; total, ₱2,826.

We recommend that there be paid for rent of building the sum of ₱1,125 (22½ months at ₱50), and for damages the sum of ₱225; total, ₱1,350.

(Exhibits 165–166.)

No. 71. Bayambang, Pangasinan. Claim is for ₱5,700 rental for convent, and ₱1,141 for damages; total, ₱6,841.

We recommend the payment of ₱2,700 rental, forty-five months at ₱60 per month, and ₱300 for damages; total, ₱3,000.

(Exhibits 167–168.)

No. 72. Urbistondo, Pangasinan. Claim for rent of convent ₱150, and damages to same in the sum of ₱198; total, ₱348.

We recommend that rental be paid in the sum of ₱1,890 (twenty-seven damages; total, ₱185.

(Exhibits 169–170.)

No. 73. San Ysidro, Pangasinan. Claim is for rental in the sum of ₱559 for convent, and damages in the sum of ₱153; total, ₱712.

We recommend that rental be paid in the sum of ₱480, and that ₱20 be paid for damages; total, ₱500.

(Exhibits 171–172.)

No. 74. Sual, Pangasinan. Claim is for ₱1,440, rent of convent, and for ₱1,254 damages; total, ₱2,694.

We recommend that rental be paid for twenty-four months at ₱30 per month, amounting to ₱720, and that damages be not considered; total, ₱720.

(Exhibits 173–174.)

No. 75. Pozorrubio, Pangasinan. Claim is for rental of convent, ₱2,700, and damages in the sum of ₱101; total, ₱2,801.

We recommend that rental be paid in the sum of ₱1,890 (twenty-seven months at ₱70), and that there be paid for damages the sum of ₱40; total, ₱1,930.

(Exhibits 175–176.)

No. 76. Mangaterem, Pangasinan. Claim is for rent and damages to convent and boys' school in the sum of ₱4,223.

We recommend that rental be paid for twenty-four months at ₱70 per month, amounting to ₱1,680, and that for damages there be paid the sum of ₱220; total, ₱1,900.

(Exhibits 177–178.)

No. 77. Villasis, Pangasinan. The claim is for rental of and damages to the convent in the total sum of ₱2,045 (rental ₱930, and damages ₱1,115).

We recommend that rental be paid in the sum of ₱735, and that there be paid for damages the sum of ₱250; total, ₱985.

(Exhibits 179–180.)

No. 78. Santa Maria, Pangasinan. The claim is for rental of and damages to the convent in the sum of ₱960.

We recommend that rental be paid in the sum of ₱240 (twelve months at ₱20 per month), and that damages be not considered; total, ₱240.

(Exhibits 180–182.)

No. 79. Binmaley, Pangasinan. The claim is for rental of and damages to the church and convent, amounting to ₱1,070.

We recommend that rent be paid for eight months at the rate of ₱20 per month, amounting to ₱160, and that damages be not considered; total, ₱160.

(Exhibits 183–184.)

No. 80. San Fabian, Pangasinan. The claim is for rental of and damages to convent and church, amounting to the sum of ₱7,142.75.

We recommend that rent be paid for thirty-seven months, at the rate of ₱55 per month, amounting to ₱2,035, and that there be paid for damages the sum of ₱250; total, ₱2,285.

(Exhibits 185–186.)

No. 81. Dagupan, Pangasinan. The claim is for rental of and damages to the convent in the sum of ₱11,481.48.

We recommend that rent be paid in the sum of ₱5,250 (forty-two months at ₱125 per month) and damages in the sum of ₱500; total, ₱5,750.

(Exhibits 187–188.)

No. 82. Santa Maria, Ilocos Sur. The claim is for ₱3,054 for rental of and damages to convent and church.

We recommend that rent be paid for twenty-nine months at ₱62 per month, amounting to ₱1,798, and that there be paid for damages the sum of ₱100; total, ₱1,898.

(Exhibits 189–190.)

No. 83. Candon, Ilocos Sur. The claim is for the sum of ₱2,800 for rental of and damages to the convent.

We recommend payment of rent for twenty-seven and one-half months, at ₱60, amounting to ₱1,650, and for damages the sum of ₱120; total, ₱1,770.

(Exhibits 191–192.)

No. 84. Narvacan, Ilocos Sur. Claim for rental of and damages to convent in the sum of ₱2,725.25.

We recommend payment of rent in the sum of ₱1,250 (twenty-five months at ₱50), and for damages the sum of ₱400; total, ₱1,650.

(Exhibits 193–194.)

No. 85. Magsingal, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱2,184.

We recommend payment of rent in the sum of ₱840 (convent, thirteen months, at ₱55, and church, five months, at ₱25), and for damages the sum of ₱100; total, ₱940.

(Exhibits 195–196.)

No. 86. Lapo, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱1,777.

We recommend that rent be paid in the sum of ₱765, seventeen months at ₱45, and damages to the sum of ₱125; total, ₱890.

(Exhibits 196–197.)

No. 87. Santo Domingo, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱1,474.

We recommend payment of rental, sixteen months at ₱45 per month, amounting to ₱720, and that ₱80 be paid for damages; total, ₱800.

(Exhibits 196 and 198.)

No. 88. Tagudin, Ilocos Sur. Claim for rental and damages to convent amounting to ₱950.

We recommend payment of rent, eighteen months, at ₱32.50 per month, ₱585; damages, ₱15; total, ₱600.

(Exhibits 199–200.)

No. 89. Bantay, Ilocos Sur. Claim for rental and damages to convent amounting to ₱679.10.

We recommend payment of rent, eight and one-half months, at ₱40 per month, ₱340; damages, ₱150; total, ₱490.

(Exhibits 201–202.)

No. 90. Santa Cruz, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,086.

We recommend payment of rent, eleven months, at ₱60 per month, ₱660; damages, ₱140; total, ₱800.

(Exhibits 203–204.)

No. 91. San Vicente, Ilocos Sur. Claim for rental of convent, ₱135.

We recommend payment of rent amounting to ₱90; no damages; total, ₱90.

(Exhibits 205–206.)

No. 92. Santa Lucia, Ilocos Sur. Claim for rental and damages to convent warehouse and garden amounting to ₱1,428.10.

We recommend payment of rent, nine months, at ₱45 per month, ₱405; damages, ₱100; total, ₱505.

(Exhibits 207–208.)

No. 93. Santa, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,520.

We recommend payment of rent, twenty months, at ₱50 per month, ₱1,000; damages, ₱100; total, ₱1,100.

(Exhibits 209–210.)

No. 94. Cabugao, Ilocos Sur. Claim for rental and damages to convent amounting to ₱4,315.

We recommend payment of rent, eighteen months, at ₱50 per month, ₱900; damages, ₱1,000; total, ₱1,900.

(Exhibits 211–212.)

No. 95. Badoc, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,821.

We recommend payment of rent, twenty-seven months, at ₱30 per month, ₱810; damages, ₱200; total, ₱1,010.

(Exhibits 212–213.)

No. 96. Sinait, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,484.50.

We recommend payment of rental, eleven months, at ₱40 per month, ₱440; damages, ₱460; total, ₱900.

(Exhibits 212–214.)

No. 97. San Fernando, Union. Claim for rental and damages to church and convent amounting to ₱34,416.66.

We recommend payment of rent, forty-one months, at ₱120 per month, ₱4,920. We recommend that nothing be paid for damages, destruction, and incident of war; total, ₱4,920.

(Exhibits 215–216.)

No. 98. Santa Tomas, Union. Claim for rental and damages to church and convent amounting to ₱3,650.

We recommend payment of rent, twenty-six months, at ₱25 per month, ₱650; damages, ₱100; total, ₱750.

(Exhibits 217–218.)

No. 99. Balaon, Union. Claim for rental and damages to convent amounting to ₱2,548.32.

We recommend payment of rent, twenty-five and one-half months, at ₱60 per month, ₱1,530; damages, ₱45; total, ₱1,575.

(Exhibits 219–220.)

No. 100. Bacnotan, Union. Claim for rental and damages to convent and church amounting to ₱695.

We recommend payment of rent, eleven months at ₱30 per month, ₱330; no damages; total, ₱330.

(Exhibits 221–222.)

No. 101. Namacpacan, Union. Claim for rental and damages to convent amounting to ₱3,141.60.

We recommend payment of rent, ₱1,313; damages, ₱87; total, ₱1,400.

(Exhibits 223–224.)

No. 102. Naguilian, Union. Claim for rental and damages to church and convent amounting to ₱2,355.

We recommend payment of rent, twenty-five and one-half months at ₱45 per month, ₱1,147.50; damages, ₱100; total, ₱1,247.50.

(Exhibits 225–226.)

No. 103. Bangar, Union. Claim for rental and damages to convent amounting to ₱2,228.

We recommend payment of rent, twenty-seven months at ₱40 per month, ₱1,080; damages, ₱150; total, ₱1,230.

(Exhibits 227–228.)

No. 104. Aringay, Union. Claim for rental and damages to convent amounting to ₱6,000.

We recommend payment of rent, twenty-six months at ₱80 per month, ₱2,080; damages, ₱200; total, ₱2,280.

(Exhibits 229–230.)

No. 105. Bangued, Abra. Claim for rental and damages to church and convent amounting to ₱4,930.66.

We recommend payment of rent, twenty-seven and two-thirds months, at ₱65 per month, ₱1,800; church, ₱80; damages, ₱500; total, ₱2,380.

(Exhibits 321–232.)

No. 106. Bucay, Abra. Claim for rental and damages to convent, amounting to ₱730.

We recommend payment of rent, eleven and one-half months, at ₱30 per month, ₱345; damages, ₱125; total, ₱470.

(Exhibits 233–234.)

No. 107. Tayum, Abra. Claim for rental and damages to convent amounting to ₱1,096.50.

We recommend payment of rent, six months, at ₱30 per month, ₱180; damages, ₱200; total, ₱380.

(Exhibits 234–235.)

No. 108. San Juan, Abra. Claim for rental and damages to church and convent amounting to ₱1,752.

We recommend payment of rent, church, eighteen months, at ₱12½ per month, ₱225. Convent, eighteen months, at ₱25 per month, ₱450; damages, ₱50; total, ₱725.

(Exhibits 236–234.)

No. 109. San Gregorio, Abra. Claims rental and damages, church and convent, amounting to ₱2,244.

We recommend payment of rent, seventeen months at ₱30, ₱510; damages, ₱60; total, ₱570.

(Exhibits 237–238.)

No. 110. Dolores, Abra. Claims rental and damages, convent, amounting to ₱4,620.

We recommend payment of rent, seventeen months at ₱25, ₱425. No damages.

(Exhibits 238–239.)

No. 111. La Paz, Abra. Claims rental and damages, convent, amounting to ₱2,586.

We recommend payment of rent, seven months at ₱35, ₱245; damages, ₱200; total, ₱445.

(Exhibits 238 and 240.)

No. 112. Pidigan, Abra. Claim rental and damages, convent, amounting to ₱1,875.90.

We recommend payment of rent, fourteen months at ₱30, ₱420; damages, ₱200; total, ₱620.

(Exhibits 241–242.)

No. 113. Carig, Isabela. Claim rental and damages, church and convent, amounting to ₱1,400.

We recommend payment of rent, twenty-five months at ₱30, ₱750; damages, ₱100; total, ₱850.

(Exhibits 243-244.)

No. 114. Reina Mercedes, Isabela. Claim rental and damages, convent, amounting to ₱850.

We recommend payment of rent, twenty-two and one-half months at ₱20 per month, ₱450; damages, ₱150; total, ₱600.

(Exhibits 245-246.)

No. 115. Exchague, Isabela. Claim rental and damages, convent, amounting to ₱5,088.

We recommend payment of rent, thirty-two months at ₱60 per month, ₱1,920; damages, ₱200; total, ₱2,120.

(Exhibits 247-248.)

No. 116. Cordon, Isabela. Claim rental and damages, convent, amounting to ₱1,106.

We recommend payment of rent, twenty-eight months at ₱10 per month, ₱280, and no damages.

(Exhibits 249-250.)

No. 117. Tumauini, Isabela. Claim rental and damages, convent, amounting to ₱4,100.

We recommend payment of rent, ₱2,500; damages, ₱175; total, ₱2,675.

(Exhibits 251-252.)

No. 118. Ilagan, Isabela. Claim rental and damages, convent, amounting to ₱3,741.12.

We recommend payment of rent, thirty-seven months at ₱60 per month, ₱2,220; damages, ₱300; total, ₱2,520.

(Exhibits 253-254.)

No. 119. Cauayan, Isabela. Claim rental and damages, convent, amounting to ₱2,723.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840. No damages.

(Exhibits 255-256.)

No. 120. Moncada, Tarlac. Claim rental and damages, convent, amounting to ₱3,820.91.

We recommend payment of rent, twenty-seven months, at ₱65 per month, ₱1,755; damages, ₱320; total, ₱2,075.

(Exhibits 257-258.)

No. 121. Camiling, Tarlac. Claim rental and damages, convent, amounting to ₱2,169.

We recommend payment of rent, twenty-eight months, at ₱60 per month, ₱1,680; damages, ₱225; total, ₱1,905.

(Exhibits 259-260.)

No. 122. Gerona, Tarlac. Claim rental and damages, church and convent, amounting to ₱3,951.

We recommend payment of rent, twenty-six months, at ₱70 per month, ₱1,820; damages, ₱200; total, ₱2,020.

(Exhibits 261-263.)

No. 123. Panigui, Tarlac. Claim rental and damages, church and convent, amounting to ₱4,130.

We recommend payment of rent, ₱2,520; damages, ₱250; total, ₱2,770.

(Exhibits 264-266.)

No. 124. Pura, Tarlac. Claim rental and damages, church and convent, amounting to ₱1,963.

We recommend payment of rent, ₱650; damages, ₱150; total, ₱800.

(Exhibits 267-268.)

No. 125. Alcala, Cagayan. Claim rental and damages, convent, amounting to ₱1,569.

We recommend payment of rent, twenty-six months, at ₱80 per month, ₱2,080; damages, ₱400; total, ₱2,480.

(Exhibits 269-270.)

No. 126. Pamplona, Cagayan. Claim rental and damages, convent, amounting to ₱1,443.

We recommend payment of rent, twelve months, at ₱40 per month, ₱480; damages, ₱150; total, ₱630.

(Exhibits 271-272.)

No. 127. Buguey, Cagayan. Claim rental convent, amounting to ₱2,100.
We recommend payment of rent in the sum of ₱350. No damages.
(Exhibits 273–274.)

No. 128. Camalaniugan, Cagayan. Claim rental and damages to convent, amounting to ₱1,231.
We recommend payment of rent, twenty-two months, at ₱25 per month, ₱550; damages, ₱75; total, ₱625.
(Exhibits 275–276.)

No. 129. Iguig, Cagayan. Claim rental for convent, amounting to ₱150.
We recommend that this sum be paid, the records at these headquarters showing that the town was occupied as claimed by church.

No. 130. Gataran, Cagayan. Claim rental and damages convent, amounting to ₱1,708.50.
We recommend payment of rent, twenty-eight months, at ₱40 per month, ₱1,120. No damages.
(Exhibits 278–279.)

No. 131. Amulung, Cagayan. Claim rental and damages convent amounting to ₱630.
We recommend payment of rent, ₱300; and damages, ₱250; total, ₱550.
(Exhibits 280–281.)

No 132. Aparri, Cagayan. Claim rent and damages church and convent amounting to ₱20,350.
We recommend payment of rent, fifty-five months at ₱150 per month, ₱8,250, in full for all rent and damages; total, ₱8,250.
(Exhibits 282–284.)

No. 133. Lalloc, Cagayan. Claim rental and damages to convent amounting to ₱3,211.
We recommend payment of rent, twenty-four months at ₱60 per month, ₱1,440; also eighteen months at ₱20 per month, ₱360; and damages, ₱100; total, ₱1,900.
(Exhibits 285–286.)

No. 134. Claneria, Cagayan. Claim rental and damages convent, amounting to ₱1,303.
We recommend payment of rent, twenty-two months at ₱50 per month, ₱1,100; damages, ₱150; total, ₱1,250.
(Exhibits 287–288.)

No. 135. Cervantes, Lepanto-Bantoc. Claim rental and damages to convent amounting to ₱970.
We recommend payment of rent, ₱400. No damages.
(Exhibits 289–290.)

No. 136. Angaqui, Lepanto-Bantoc. Claim rental convent amounting to ₱240.
We recommend payment of rent, ₱240. No damages.
(Exhibits 291–292.)

No. 137. Pasiquin, Ilocos Norte. Claim rental convent amounting to ₱1,600.
We recommend payment of rent, eighteen months, at ₱10 per month, ₱180. No damages.
(Exhibits 293–295.)

No. 138. San Nicolas, Ilocos Norte. Claim rental and damages to convent amounting to ₱3,439.
We recommend payment of rent, eighteen months, at ₱35 per month, ₱630; damages, ₱125; total, ₱755.
(Exhibits 296–297.)

No. 139. Batac, Ilocos Norte. Claim rental and damages to convent amounting to ₱5,570.
We recommend payment of rent, nineteen months, at ₱25 per month, ₱475; damages, ₱170; total, ₱645.
(Exhibits 297–298.)

No. 140. Paoay, Ilocos Norte. Claim rental and damages to convent amounting to ₱5,167.
We recommend payment of rent, twenty-one months, at ₱25 per month, ₱525; damages, ₱170; total, ₱695.
(Exhibits 299–300–297.)

No. 141. San Miguel, Ilocos Norte. Claim rental and damages to convent amounting to ₱3,988.50.
We recommend payment of rent, twenty-six months, at ₱50 per month, ₱1,300; damages, ₱110; total, ₱1,410.
(Exhibits 301–302.)

No. 142. Bangui, Ilocos Norte. Claim rental convent amounting to ₱1,350.
We recommend payment of rent, twenty-seven months, at ₱15 per month, ₱405. No damages.
(Exhibits 302–303.)

No. 143. Vintar, Ilocos Norte. Claim rental and damages to convent amounting to ₱4,245.
We recommend payment of rent, thirteen months, at ₱30 per month, ₱390; damages, ₱45; total, ₱435.
(Exhibits 302–304.)

No. 144. Piddig, Ilocos, Norte. Claim rental and damages to convent amounting to ₱4,405.
We recommend payment of rent, fourteen months, at ₱30 per month, ₱420; damages, ₱205; total, ₱625.
(Exhibits 305–306.)

No. 145. Dingras, Ilocos Norte. Claim rental damages to convent amounting to ₱4,393.
We recommend payment of rent, twenty-seven months, at ₱35 per month, ₱945; damages, ₱340; total, ₱1,285.
(Exhibits 306–307.)

No. 146. Bana, Ilocos Norte. Claim rental convent amounting to ₱50.
We recommend payment of rent for one month, ₱5. No damages.
(Exhibits 308–306.)

No. 147. Bacarra, Ilocos Norte. Claim rent and damages to convent amounting to ₱1,385.
We recommend payment of rent, seven months, at ₱20 per month, ₱140; damages, ₱185; total, ₱325.
(Exhibit 309.)

The board thereupon adjourned to meet from day to day at 9 o'clock a. m.

W. W. GIBSON,
Major, General Staff.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., September 7, 1905.

The board met pursuant to adjournment.
Present: All the members.
The following order was then read:

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 30, 1905.

SPECIAL ORDERS, No. 198.

[Extract.]

* * * * * * *

9. First Lieut. John W. Moore, Second Cavalry, is detailed as a member of the board of officers appointed by paragraph 3, Special Orders, No. 175, current series, these headquarters, known as the "Board on church claims," vice Maj. William W. Gibson, General Staff, hereby relieved.

While on this duty Lieutenant Moore's station will be Manila. The travel enjoined is necessary for the public service.

* * * * * * *

By command of Major-General Corbin:

JOHN D. KNIGHT,
Lieutenant-Colonel, General Staff,
Chief of Staff.

Official:
W. A. SIMPSON,
Military Secretary.

Major Gibson then withdrew and First Lieut. John W. Moore took his place as a member of the board.

The following cases were then considered and passed:

No. 148. Angat, Bulacan. Claim damages to church and convent by fire amounting to ₱72,100.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 310–311.)

No. 149. Bigaa, Bulacan. Claim damages to church and convent by fire amounting to ₱81,800.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 312–313.)

No. 150. Bocaue, Bulacan. Claim damages to church and convent by fire, amounting to ₱121,996.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 314–315.)

No. 151. Calumpit, Bulacan. Claim damages to church and convent by fire, amounting to ₱56,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 316–317.)

No. 152. Marilloa, Bulacan. Claim damages to church and convent by fire, amounting to ₱123,296.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 318–319.)

No. 153. Norzagaray, Bulacan. Claim rent and damages to church, amounting to ₱2,000.

We recommend payment of rent ₱300. No damages.

(Exhibits 320–321.)

No. 154. Obando, Bulacan. Claim rental and damages church and convent, amounting to ₱2,677.

We recommend payment of rent, eight months, at ₱50 per month, ₱400. No damages.

(Exhibits 322–323.)

No. 155. Paombong, Bulacan. Claim rental and damages to convent amounting to ₱1,174.

We recommend payment of rent, twelve months, at ₱75 per month, ₱900; damages, ₱50; total, ₱950.

(Exhibits 324–325.)

No. 156. Polo, Bulacan. Claim rental and damages to church and convent amounting to ₱19,995.

We recommend payment of rent, thirty months, at ₱60 per month, ₱1,800; damages, ₱350; total, ₱2,150.

(Exhibits 326–327.)

No. 157. Pulilan, Bulacan. Claim rental and damages, convent, amounting to ₱1,120.

We recommend payment of rent, eighteen months, at ₱40 per month, ₱720; damages, ₱400; total, ₱1,120.

(Exhibits 328–329.)

No. 158. Santa Isabel, Bulacan. Claim damages to church property amounting to ₱1,017.50. (Duplicate and revoked, see case No. 25.)

We recommend that nothing be paid on this claim. Even if done by American soldiers the damage was purely wanton.

(Exhibit 330.)

No. 159. San Rafael, Bulacan. Claim rental and damages, convent, amounting to ₱3,216.66.

We recommend payment of rent, fourteen months, at ₱70 per month, ₱980, and damages, ₱1,300; total, ₱2,280.

(Exhibits 331–333.)

No. 160. Balayan, Batangas. Claim rental and damages, convent, amounting to ₱5,169.25.

We recommend payment of rent, forty-one months, at ₱85 per month, ₱3,485, and damages, ₱350; total, ₱3,835.

(Exhibits 334, 335.)

No. 161. Lemery, Batangas. Claim rental and damages, convent, amounting to ₱7,218.

We recommend payment of rent, forty-two months, at ₱65 per month, ₱2,730; damages, ₱325; total, ₱3,055.

(Exhibits 335, 337.)

No. 162. Lipa, Batangas. Claim rental and damages, church and convent, amounting to ₱11,092.75.

We recommend payment of rent, forty-four months, at ₱20 per month, ₱880, only.

(Exhibits 338, 339.)

No. 163. Tarlac, Tarlac. Claim rental and damages, church and convent, amounting to ₱8,133.

We recommend payment of rent, thirty-eight months, at ₱50 per month, ₱1,900; damages, ₱500; total, ₱2,400.

(Exhibits 340, 341.)

No. 164. San Jose, Batangas. Claim rental and damages, convent, amounting to ₱3,905.

We recommend payment of rent, thirty-seven months, at ₱80 per month, ₱2,960; damages, ₱170; total, ₱3,130.

(Exhibits 342, 344.)

No. 165. Santo Tomas, Batangas. Claim rental and damages to church and convent, amounting to ₱19,304.

We recommend payment of rent, eight months, at ₱100 per month, for church, ₱800; forty-four months, at ₱90 per month, for convent, ₱3,960; damages, ₱1,000; total, ₱5,760.

(Exhibits 345–347.)

No. 166. Lobo, Batangas. Claim rental and damages to church and convent, amounting to ₱1,887.85.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840; damages, ₱100; total, ₱940.

(Exhibit 348–355.)

No. 167. Santa Cruz, Marinduque. Claim rental and damages to church and convent, amounting to ₱5,065.

We recommend payment of rent, church, eight months, at ₱70 per month, ₱560; convent, twenty-one months, at ₱70 per month, ₱1,470; damages, ₱274; total, ₱2,304.

(Exhibits 356–358.)

No. 168. Calapan, Mindoro. Claim rental and damages, church and convent, amounting to ₱2,298.

We recommend payment of rent, fifteen months, at ₱40 per month, ₱600; damages, ₱700; total, ₱1,300.

(Exhibits 359, 360.)

No. 169. Pola, Mindoro. Claim rental and damages to convent amounting to ₱4,810.

We recommend payment of rent, twenty-seven months, at ₱30 per month, ₱810; damages, ₱800; total, ₱1,610.

(Exhibits 361, 362.)

No. 170. Anda, Zambales. Claim rental and damages to convent amounting to ₱265.

We recommend payment of rent, four and one-half months, at ₱30 per month, ₱135; damages, ₱40; total, ₱175.

(Exhibits 363, 364.)

No. 171. Alaminos, Zambales. Claim rental and damages to convent, amounting to ₱1,900.

We recommend payment of rent, twenty-eight months, at ₱50 per month, ₱1,400; damages, ₱50; total, ₱1,450.

(Exhibits 365, 366.)

No. 172. San Isidro, Zambales. Claim rental and damages to convent, amounting to ₱840.

We recommend payment of rent, twenty-three months, at ₱30 per month, ₱690; damages, ₱150; total, ₱840.

(Exhibits 367, 368.)

No. 173. Santa Cruz, Zambales. Claim rental and damages, convent, amounting to ₱8,276.50.

We recommend payment of rent, thirty months, at ₱40 per month, ₱1,200; damages, ₱1,165; total, ₱2,365.

(Exhibits 369, 370.)

No. 174. Masinloc, Zambales. Claim rental and damages, church and convent, amounting to ₱2,251.

We recommend payment of rent, thirty months, at ₱35 per month, ₱1,050; damages, ₱200; total, ₱1,250.

(Exhibits 371, 372.)

No. 175. Infanta, Zambales. Claim damages to convent in the sum of ₱420.

We recommend payment of ₱300 as damages.

(Exhibits 373, 374.)

No. 176. Boac, Zambales. Claim rental and damages, church and convent, amounting to ₱8,909.75.

We recommend payment of rent, church, twenty-two months, at ₱80 per month, ₱1,660; convent, twenty-six months, at ₱70 per month, ₱1,820; damages, ₱628; total, ₱4,108.

No. 177. Malitbog, Leyte. Claim damages to church and convent by loot and fire amounting to ₱2,809.

We recommend that nothing be paid, as the damage inflicted was either an incident of war or wanton damages.

(Exhibits 379, 380 and B.)

No. 178. San Sabastian, Samar. Claim damages to church and convent by fire, amounting to ₱12,300.20.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 381.)

No. 179. Paranas, Samar. Claim damages to church, convent, and mission, by fire, amounting to ₱96,123.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 382, 383.)

No. 180. Wright, Samar. Claim damages to church, convent, and effects, by fire, amounting to ₱108,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 384.)

No. 181. Inabanga (Loay), Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱22,377.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 385.)

No. 182. Antequera, Bohol. Claim rental of convent, amounting to ₱60; no damages.

We recommend that this amount be paid.

(Exhibit 386.)

No. 183. Lila, Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱20,479.75.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 387.)

No. 184. Sevilla (Loay), Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱14,052.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 388.)

No. 185. Bogo, Cebu. Claim rental, church and convent, amounting to ₱160; no damages.

We recommend that this amount be paid.

(Exhibits 389, 390.)

No. 186. Calbayog, Samar. Claim rental and damages to church and convent, amounting to ₱8,079.17.

We recommend payment of rent, old convent, thirty-two months, at ₱50, ₱1,600; new convent, thirty-two months, at ₱50, ₱1,600; church, five months, at ₱60, ₱300; damages, ₱300; total, ₱3,800.

(Exhibits 391–395.)

No. 187. Balamban, Cebu. Claim rent for convent, amounting to ₱400. No damages.

We recommend payment of rent, seven months, at ₱30 per month, ₱210.

(Exhibits 396, 397.)

No. 188. Misamis, Mindanao. Claim rental and damages, convent, amounting to ₱2,900.

We recommend payment of rent, twenty-seven months, at ₱80 per month, ₱2,160. No damages.

(Exhibits 398, 400.)

No. 189. Balingasay (Misamis), Mindanao. Claim rental, convent, amounting to ₱220. (Five and one-half months, at ₱40 per month.) No damages.

We recommend that this amount be paid.

(Exhibits 401, 402.)

No. 190. Carigara, Leyte. Claim rental and damages, convent, amounting to ₱1,718.

We recommend payment of rent, ₱1,400; damages, ₱25; total, ₱1,425.

(Exhibits 403–408.)

No. 191. Laoang, Samar. Claim rental and damages, church, convent, and effects, amounting to ₱15,325.

We recommend payment of rent, forty-two months, at ₱50 per month, ₱2,100; damages, ₱1,090; total, ₱3,190.

Damages to personal effects not considered, as, even if evidence could be produced to substantiate claim, it would be for wanton damages. (See Exhibit B.)

(Exhibits 409–413.)

No. 192. Catubig, Samar. Claim damages to church and effects, by burning, amounting to ₱560.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibits 413–414.)

The board adjourned to meet from day to day at 9 o'clock a. m.

J. W. Moore,
First Lieutenant, Second Cavalry.

Headquarters Philippine Division,
Manila, P. I., September 30, 1905.

The board met pursuant to adjournment.

Present: All the members.

The board then proceeded to consider and pass upon the following cases:

No. 193. Cabuyao, Laguna. Claim for rental and damages to convent, amounting to ₱8,520.

We recommend payment of rent, forty months, at ₱90 per month, ₱3,600; damages, ₱400; total, ₱4,000.

(Exhibits 415, 416.)

No. 194. Bay, Laguna. Claim for rental and damages to church and convent, amounting to ₱12,666.

We recommend payment of rent—church, ₱150; convent, 25 months, at ₱60 per month, ₱1,500; damages, ₱400; total, ₱2,050.

(Exhibits 417, 418.)

No. 195. Binan, Laguna. Claim for rental and damages, amounting to ₱8,425.

We recommend payment of rent, 44 months, at ₱120 per month, ₱5,280; damages, ₱87.50; total, ₱5,367.50.

(Exhibits 419, 420.)

No. 196. Paete, Laguna. Claim for rental and damages, amounting to ₱16,091.16.

We recommend payment of rent, twenty-seven months, at ₱125 per month, ₱3,375. No damages.

(Exhibits 421, 422.)

No. 197. Pakil, Laguna. Claim for rental and damages, amounting to ₱2,888.25.

We recommend payment of rent, twenty months, at ₱60 per month, ₱1,200; damages, ₱200; total, ₱1,400.

(Exhibits 423, 424.)

No. 198. Los Banos, Laguna. Claim for rental and damages to church and convent, amounting to ₱4,662.20.

We recommend payment of rent—convent, forty-six months, at ₱40 per month, ₱1,840; church, forty-two months, at ₱6 per month, ₱252; damages, ₱450; total, ₱2,542.

(Exhibits 425, 426.)

No. 199. Magdalena, Laguna. Claim for rental and damages, amounting to ₱5,830.62.

We recommend payment of rent, twenty-nine months, at ₱60 per month, ₱1,740; damages, ₱200; total, ₱1,940.

(Exhibits 427,428.)

No. 200. Bauan, Batangas. Claim for rental and damages to church and convent, amounting to ₱8,700.

We recommend payment of rent, forty-one months, at ₱150 per month, ₱6,150; no damages; total, ₱6,150.

(Exhibits 429–430.)

No. 201. Morong, Rizal. Claim for rental and damages, amounting to ₱6,100.50.

We recommend payment of rent, ₱1,925; damages, ₱200; total, ₱2,125.

(Exhibits 431–432.)

No. 202. Las Pinas, Rizal. Claim for rental and damages, amounting to ₱1,850.

We recommend payment of rent, five months, at ₱30 per month, ₱150; no damages;[a] total, ₱150.

(Exhibits 433–434.)

No. 203. Navotas, Rizal. Claim damages amounting to ₱3,248.35.

We recommend payment of no damages. The church not occupied, and damages purely wanton, if occurred as stated. (See Exhibits B and C and 435.)

No. 204. Taguiig, Rizal. Claim for rental and damages, amounting to ₱20,920.

We recommend payment of rent, thirty-three months, at ₱90 per month, ₱2,970; damages, ₱500; total, ₱3,470.

(Exhibits 436–437.)

No. 205. Caloocan, Rizal. Claim for rental and damages to church and convent, amounting to ₱102,120.

We recommend payment of rent, church, thirty months, at ₱40 per month, ₱1,200; convent, fifteen months, at ₱60 per month, ₱900; damages, ₱200; total, ₱2,300.

(Exhibits 438–439.)

No. 206. San Pablo, Laguna. Claim for rental and damages to church and convent, amounting to ₱44,389.90.

We recommend payment of rent for church and convent, ₱2,500; damages, ₱600; total, ₱3,100.

(Exhibits 440–442.)

No. 207. San Antonio, Laguna. Claim for damages to church and convent, amounting to ₱70,000.

We recommend that nothing be paid, as this was an incident of war.

(Exhibit 443.)

No. 208. Meycauayan, Bulacan. Claim for rental and damages to church and convent, amounting to ₱5,565.

We recommend payment of rent, thirty months, at ₱60 per month, ₱1,800; no damages; total, ₱1,800.

(Exhibits 444, 445.)

No. 209. San Isidro, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱7,543.50.

We recommend payment of rent, forty-four months, at ₱75 per month, ₱3,300; damages, ₱250; total, ₱3,550.

(Exhibits 446–448.)

No. 210. Cabanatuan, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱6,672.

We recommend payment of rent, convent, forty-four months, at ₱65 per month, ₱2,860; church, fourteen months, at ₱45 per month, ₱630; damages, ₱500; total, ₱3,990.

(Exhibits 449, 450.)

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[a] Damages either an incident of war or claim against insular government.

No. 211. Cabiao, Nueva Ecija. Claim for rental and damages to church and convent amounting to ₱3,420.87.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; damages, ₱500; total, ₱1,700.

(Exhibits 451, 452.)

No. 212. Batang, Batangas. Claim for damages by loot and fire to buildings and effects, amounting to ₱7,500.

We recommend that nothing be paid.

(Exhibits B, C, and 453.)

No. 213. Alaminos, Laguna. Claim for rental and damages to church and convent, amounting to ₱4,020.

We recommend payment of rent, convent, twenty-three months, at ₱40 per month, ₱920; church, four months, at ₱25 per month, ₱100; damages, ₱200; total, ₱1,220.

(Exhibits 454, 455.)

No. 214. Tambobong, Rizal. Claim for rental and damages to convent, amounting to ₱380.

We recommend payment of rent, ₱180, and damages, ₱100; total, ₱280.

(Exhibit 456.)

No. 215. Pangil, Laguna. Claim for rental and damages to church and convent, amounting to ₱3,475.50.

We recommend payment of rent, twenty-three months, at ₱75 per month, ₱1,725; damages, ₱250; total, ₱1,975.

(Exhibits 457, 458.)

No. 216. Samal, Bataan. Claim for rental and damages to convent, amounting to ₱1,485.

We recommend that this amount be paid as rent; no damages; total, ₱1,485.

(Exhibits 459, 460.)

No. 217. Abucay, Bataan. Claim for rental and damages to convent, amounting to ₱2,874.

We recommend payment of rent, ₱1,170; damages, ₱200; total, ₱1,370.

(Exhibits 461, 462.)

No. 218. Pilar, Bataan. Claim for damages, amounting to ₱154.

We recommend that nothing be paid, as the church buildings were not occupied by American troops.

(Exhibits 463, 464.)

No. 219. Barasoain, Bulacan. Claim for rental and damages to church and convent, amounting to ₱10,800.

We recommend payment of rent, thirty-five months, at ₱150 per month, ₱5,250; damages, ₱400; total, ₱5,650.

(Exhibits 465–468.)

No. 220. Balanga, Bataan. Claim, rental and damages to church and convent, amounting to ₱3,083.

We recommend payment of rent, eighteen months, at ₱100 per month, ₱1,800; damages, ₱300; total, ₱2,100.

(Exhibits 469, 470.)

No. 221. Dinalupijan, Bataan. Claim for rental and damages to convent, amounting to ₱3,163.

We recommend payment of rent, seventeen months, at ₱45 per month, ₱765; damages, ₱500; total, ₱1,065.

(Exhibits 471, 472.)

No. 222. Orane, Bataan. Claim for rental and damages to church and convent, amounting to ₱6,944.

We recommend payment of rent, twenty-two months, at ₱75 per month, ₱1,650; no damages; total, ₱1,650.

(Exhibits 473, 474.)

No. 223. San Juan de Guinba, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱3,350.

We recommend payment of rent, twenty-five months, at ₱35 per month, ₱875; damages, ₱140; total, ₱1,015.

(Exhibits 475, 476.)

No. 224. Gapan, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱5,065.

We recommend payment of rent, sixteen months, at ₱70 per month, ₱1,120; damages, ₱200; total, ₱1,320.

(Exhibits 477, 478.)

No. 225. San Antonio, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱1,800.

We recommend payment of rent, twelve months, at ₱50 per month, ₱600; damages, ₱400; total, ₱1,000.

(Exhibits 479, 480.)

No. 226. Guagua, Pampanga. Claim for rental and damages to church and convent, amounting to ₱48,400.

We recommend payment of rent, convent, twenty-seven months, at ₱100 per month, ₱2,700; church, ten months, at ₱150 per month, ₱1,500; damages, ₱850; total, ₱5,050.

(Exhibits 481–483.)

No. 227. Mabalacat, Pampanga. Claim for damages to church, ₱3,365.

We recommend payment of damages, ₱528.

(Exhibits 483, 484.)

No. 228. Angeles, Pampanga. Claim for rental and damages to church, convent, chapel, and grounds, ₱24,568.35.

We recommend payment of rent as follows: Church, sixteen months, at ₱150 per month, ₱2,400; convent, thirty-seven and one-half months, at ₱50 per month, ₱1,875; damages, ₱1,450; total, ₱5,725.

(Exhibits 485, 486.)

No. 229. Floridablanca, Pampanga. Claim for rental and damages to convent, amounting to ₱4,916.

We recommend payment of rent, nineteen months, at ₱40 per month, ₱760; damages, ₱300; total, ₱1,060.

(Exhibits 487, 488.)

No. 230. Macabebe, Pampanga. Claim for damages to church and convent destroyed by fire, ₱100,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 489, 490.)

No. 231. San Fernando, Pampanga. Claim for damages to church and convent by fire, ₱68,352.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 491–494.)

No. 232. Santa Ana, Pampanga. Claim for rental and damages to convent, amounting to ₱375.

We recommend payment of rent, fourteen months, at ₱15 per month, ₱210; damages, ₱15; total, ₱225.

(Exhibits 493, 494.)

No. 233. Arayat, Pampanga. Claim for rental and damages to church and convent, amounting to ₱22,408.67.

We recommend payment of rent as follows: Convent, forty-seven months, at ₱60 per month, ₱2,860; church, eight months, at ₱10 per month, ₱80; damages, ₱650; total, ₱3,550.

(Exhibits 495, 496.)

No. 234. Porac, Pampanga. Claim for rental and damages to church and convent, amounting to ₱7,744.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840; damages, ₱550; total, ₱1,390.

(Exhibits 497, 498.)

No. 235. Santo Tomas, Pampanga. Claim for damages to church and convent, destroyed by fire, ₱44,278.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 499, 500.)

No. 236. Santa Rita, Pampanga. Claim for rental and damages to convent, amounting to ₱10,600.

We recommend payment of rent, eighteen months, at ₱70 per month, ₱1,260; damages, ₱442; total, ₱1,702.

(Exhibits 501, 502.)

No. 237. Candaba, Pampanga. Claim for rental and damages to church and convent, amounting to ₱2,840.

We recommend payment of rent as follows: Convent, twenty-eight months, at ₱60 per month, ₱1,680; church, nine months, at ₱60 per month, ₱540; damages, ₱200; total, ₱2,420.

(Exhibits 503, 504.)

No. 238. Magalang, Pampanga. Claim for rental and damages to church and convent, amounting to ₱2,460.

We recommend payment of rent as follows: Convent, twenty months, at ₱40 per month, ₱800; church, four months, at ₱50 per month, ₱200; damages, ₱224; total, ₱1,224.

(Exhibits 505, 506.)

No. 239. San Simon, Pampanga. Claim for damages to church and convent, by fire amounting to ₱150,300.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 507.)

No. 240. San Luis, Pampanga. Claim for rental and damages to convent, amounting to ₱13,800.

We recommend payment of rent, twenty-six months, at ₱100 per month, ₱2,600; damages, ₱300; total, ₱2,900.

(Exhibits 508, 509.)

No. 241. Bacolor, Pampanga. Claim for rental and damages to church and convent, amounting to ₱12,200.

We recommend payment of rent as follows: Convent, twenty months, at ₱65 per month, ₱1,820; church, three months, at ₱20 per month, ₱60; damages, ₱450; total, ₱2,330.

(Exhibits 510, 511.)

No. 242. Mexico, Pampanga. Claim for rental and damages to church and convent, amounting to ₱124,700.24.

We recommend payment of rent as follows: Convent, twenty-one and one-half months, at ₱80 per month, ₱1,720; church, three and one-half months, at ₱10 per month, ₱35; damages, ₱500; total, ₱2,255.

(Exhibits 512, 513.)

No. 243. Sexmoan, Pampanga. Claim for damages to convent by fire, ₱5,452.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 514, 515.)

No. 244. Lubao, Pampanga. Claim for rental and damages to church and convent, amounting to ₱5,200.

We recommend payment of rent, sixteen months, at ₱80 per month, ₱1,280; damages, ₱280; total, ₱1,560.

(Exhibits 516–518.)

No. 245. Bolinao, Zambales. Claim for rental and damages to convent, amounting to ₱1,900.

We recommend payment of rent, twenty-nine months, at ₱45 per month, ₱1,305; damages, ₱100; total, ₱1,405.

(Exhibits 519, 520.)

No. 246. Candelaria, Zambales. Claim for rental and damages to church and convent, amounting to ₱1,155.70.

We recommend payment of rent as follows: Convent, eighteen months, at ₱25 per month, ₱450; church, seven months, at ₱10 per month, ₱70; no damages; total, ₱520.

(Exhibits 521, 522.)

No. 247. Santa Ana, Rizal. Claim for rental and damages to church and convent, amounting to ₱11,407.

We recommend payment of rent, seven months, at ₱125 per month, ₱875; damages, ₱500; total, ₱1,375.

(Exhibits 523.)

No. 248. Pateros, Rizal. Claim for damages to church and convent by fire, and effects of same, amounting to ₱76,670.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibit 524.)

No. 249. Hermosa, Bataan. Claim for rental and damages to convent, amounting to ₱1,998.

We recommend payment of rent, seventeen months, at ₱35 per month, ₱595; damages, ₱200; total, ₱795.

(Exhibits 525, 526.)

No. 250. Orion, Bataan. Claim for rental and damages to church, convent, and cemetery, amounting to ₱3,825.50.

We recommend payment of rent, eighteen months, at ₱120 per month, ₱2,160; damages, ₱200; total ₱2,360.

(Exhibits 527, 528.)

No. 251. Sampaloc, Manila. Claim for rental and damages to cemetery, amounting to ₱500.

We recommend payment of rent, ₱260; no damages; total, ₱260.

(Exhibits 529, 530.)

No. 252. San Miguel, Manila. Claim for damages to cemetery, amounting to ₱300.

We recommend that nothing be paid, damages being an incident of war.

(Exhibits 530, 531.)

No. 253. Santa Cruz, Manila. Claim for damages to cemetery, amounting to ₱2,000.

We recommend that nothing be paid, damages being an incident of war.

(Exhibits 532, 533.)

No. 254. Binondo, Manila. Claim for rental and damages to chapel and cemetery, amounting to ₱1,548.34.

We recommend payment of rent, ₱748.34; no damages.

(Exhibits 534, 535.)

No. 255. Apalit, Pampanga. Claim for rental and damages to convent, amounting to ₱5,975.

We recommend payment of rent, twenty-seven months, at ₱80 per month, ₱2,160; damages, ₱116; total, ₱2,276.

(Exhibits 536, 537.)

No. 256. Paco, Manila. Claim for damages to church, convent, and effects, amounting to ₱300,000 (amount of ₱554,785, as stated in Exhibit B, was taken from an abstract and is incorrect).

We recommend that nothing be paid.

(Exhibits B, C, and 538, 539.)

No. 257. Hagonoy, Bulacan. Claim for rent and damages to convent, amounting to ₱8,500.

We recommend payment of rent, twenty-five and one-half months, at ₱80 per month, ₱2,040; damages, ₱1,500; total, ₱3,540.

(Exhibits 540–542.)

No. 258. Beaterio, Manila. Claim for rent and damages to building amounting to ₱4,480.65.

We recommend payment of rent, twelve months, at ₱200 per month, ₱2,400; damages, ₱500; total, ₱2,900.

(Exhibits 543–545.)

No. 259. Ormoc, Leyte. Claim for rent of convent amounting to ₱16.67.

We recommend that this amount be paid.

(Exhibits 546, 547.)

No. 260. Butuan, Surigao. Claim for damages by fire and loot of church amounting to ₱560.

We recommend that nothing be paid, as one was act of war, the other wanton.

(Exhibit 548.)

No. 261. Tanauan, Batangas. Claim for rent and damages to church and convent amounting to ₱18,973.26.

We recommend payment of rent: Convent, forty months, at ₱120 per month, ₱4,800; church, four months, at ₱70 per month, ₱280; addition, thirty-six months, at ₱30 per month, ₱1,080; cemetery, thirty-six months, at ₱10 per month, ₱360; damages, ₱6,500; total, ₱13,020.

(Exhibits 549–552.)

No. 262. Naujan, Mindoro. Claim for rent and damages to convent amounting to ₱3,535.

We recommend payment of rent, thirteen months, at ₱20 per month, ₱260; damages, ₱240; total, ₱500.

(Exhibits 553, 554.)

No. 263. Alfonso, Cavite. Claim for rent of convent amounting to ₱250.

We recommend that nothing be paid, as claim is one against the insular government.

(Exhibit 555.)

No. 264. Talisay, Batangas. Claim for damages to church convent, and effects by fire, amounting to ₱3,534.75.

We recommend that nothing be paid.

(Exhibits 556, 557.)

No. 265. Calamba, Laguna. Claim for rent and damages to convent amounting to ₱10,744.

We recommend payment of rent, 45 months, at ₱70 per month, ₱3,150; damages, ₱400; total, ₱3,550.

(Exhibits 558–562.)

No. 266. Davao, Mindanao. Claim for rent and damages to convent amounting to ₱1,200.

We recommend payment of rent, nine months, at ₱65 per month, ₱585; damages, ₱75; total, ₱660.

(Exhibits 563–567.)

No. 267. Catmon, Cebu. Claim for rent and damages to church amounting to ₱1,719.55.

We recommend payment of rent, ₱800; damages, ₱200; total, ₱1,00.

(Exhibits 568, 569.)

No. 268. Tanay, Rizal. Claim for rent and damages to church and convent amounting to ₱13,640.

We recommend payment of rent, February 12, 1900, to October 12, 1905, sixty-eight months, at ₱75 per month, ₱5,100; damages, ₱1,000; total, ₱6,100.

(Exhibits 570–574.)

The board thereupon adjourned to meet at the call of the president, from day to day.

J. W. MOORE,
First Lieutenant, Second Cavalry.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., January 15, 1906.

The board met pursuant to adjournment.

Present: All the members.

The board then proceeded to consider and pass upon the following cases:

No. 269. Cavinti, Laguna. Claim for rent and damages to church property, amounting to ₱850.

We recommend payment of rent, ₱420; damages, ₱50; total, ₱470.

(Exhibits 575, 576.)

No. 270. Louisiana, Laguna. Claim for rent and damages to church property, amounting to ₱400.

We recommend payment of rent, ₱350; no damages.

(Exhibits 577, 578.)

No. 271. Pila, Laguna. Claim for rent and damages to church property, amounting to ₱5,940.

We recommend payment of rent, ₱1,120; damages, ₱100; total, ₱1,220.

(Exhibits 579, 580.)

No. 272. Mandaue, Cebu. Claim for damages, amounting to ₱1,935.

We recommend that nothing be paid.

(Exhibits 581–583.)

No. 273. Tuburan, Cebu. Claim for rent and damages to church property, amounting to ₱680.

We recommend payment of rent, ₱510; no damages.

(Exhibits 584, 585.)

No. 274. Borbon, Cebu. Claim for rent and damages to church property, amounting to ₱5,760.

We recommend payment of rent, ₱250; no damages.

(Exhibits 586, 587.)

No. 275. Loreto, Dinagat Island. Claim for damages, amounting to ₱27,000.

We recommend that nothing be paid.

(Exhibit 588.)

No. 276. Candalaria, Tayabas. Claim for rent and damages to church property, amounting to ₱899.

We recommend payment of rent, ₱300; damages, ₱100; total, ₱400.

(Exhibits 589, 590.)

No. 277. Pagbilao, Tayabas. Claim for rent and damages to church property, amounting to ₱3,675.

We recommend payment of rent, ₱2,220; damages, ₱200; total, ₱2,420.

(Exhibits 591, 592.)

No. 278. Maragondon, Cavite. Claim for rent and damages to church property, amounting to ₱2,000.

We recommend payment of rent, ₱800; no damages.

(Exhibits 593–596.)

No. 279. Tayug, Pangasinan. Claim for rent and damages to church property, amounting to ₱8,366.50.

We recommend payment of rent, ₱2,700; no damages.

(Exhibits 597–599.)

No. 280. Asingan, Pangasinan. Claim for rent and damages to church property, amounting to ₱5,300.

We recommend payment of rent, ₱600; no damages.

(Exhibits 600–602.)

No. 281. San Jacinto, Pangasinan. Claim for rent and damages to church property, amounting to ₱11,912.75.

We recommend payment of rent, ₱1,265; damages ₱1,300; total, ₱2,565.

(Exhibits 603–605.)

No. 282. San Ildefonso, Ilocos Sur. Claim for damages to church property, amounting to ₱1,018.56.

We recommend payment of damages, ₱500.

(Exhibits 606, 607.)

No. 283. San Esteban, Ilocos Sur. Claim for rent and damages to church property, amounting to ₱978.

We recommend payment of rent, ₱440; damages, ₱150; total, ₱590.

(Exhibits 608, 609.)

No. 284. Victoria, Tarlac. Claim for rent and damages to church property, amounting to ₱3,640.

We recommend payment of rent, ₱1,300; no damages.

(Exhibits 610–613.)

No. 285. Cuenca, Batangas. Claim for rent and damages to church property, amounting to ₱638.25.

We recommend the payment of rent, ₱270; damages, ₱50; total, ₱320.

(Exhibits 614, 615.)

No. 286. Batangas, Batangas. Claim for rental and damages to church and convent, amounting to ₱11,199.35.

We recommend payment of rent, ₱4,725; no damages.

(Exhibits 616–629.)

No. 287. Zumarraga, Samar. Claim for rental and damages to convent, amounting to ₱397.

We recommend the payment of rent, ₱80; no damages.

(Exhibits 630–632.)

No. 288. Manaoag, Pangasinan. Claim for rental and damages to church and convent, amounting to ₱4,774.

We recommend the payment of rent, twenty-six months, at ₱75 per month, ₱1,950; damages, ₱400; total, ₱2,350.

(Exhibits 633–640.)

No. 289. San Manuel, Pangasinan. Claim for damages to church and convent, amounting to ₱500.

We recommend payment of damages ₱200.

(Exhibits 614–645.)

No. 290. Taal, Batangas. Claim for rental and damages to church and convent, amounting to ₱18,885.

We recommend the payment of rent, old church and convent, forty-two months, at ₱35 per month, ₱1,470; new church and convent, forty-two months, at ₱90 per month, ₱3,780; corral, forty-two months, at ₱12.50 per month, ₱525; total for rent, ₱5,775; damages, ₱850. Total, ₱6,625.

(Exhibits 646–652.)

No. 291. Tiaong, Tayabas. Claim for rental and damages to church and convent, amounting to ₱3,930.

We recommend payment of rent, twenty-four months, at ₱100 per month, ₱2,400; no damages.

(Exhibits 653–657.)

No. 292. Ibaan, Batangas. Claim for rental and damages to church and convent, amounting to ₱1,834.

We recommend payment of rent, twenty-five months, at ₱50 per month, ₱1,250; no damages.

(Exhibits 658–662.)

No. 293. Quingua, Bulacan. Claim for rental and damages to church and convent, amounting to ₱3,335.

We recommend payment of rent, church, two months, at ₱40 per month, ₱80; convent, thirty-four months, at ₱50 per month, ₱700; damages, ₱300; total, ₱2,080.

(Exhibits 663–665.)

No. 294. Binalonan, Pangasinan. Claim for rental and damages to convent, amounting to ₱6,200.

We recommend payment of rent, twenty-seven months, at ₱60 per month, ₱1,620; damages, ₱2,100; total, ₱3,720.

(Exhibits 666–674.)

No. 295. Taysan, Batangas. Claim for rent and damages to convent, amounting to ₱929.

We recommend payment of rent, ₱375; no damages.

(Exhibits 675–677.)

No. 296. Bamban, Tarlac. Claim for rental and damages, church and convent, amounting to ₱1,385.

We recommend payment of rent, forty-one months, at ₱25 per month, ₱1,025; damages, ₱100; total, ₱1,125.

(Exhibits 678–681.)

No. 297. Pamplona, Ambos Camarines. Claim for damages to convent, amounting to ₱576.

We recommend that nothing be paid.

(Exhibits 682, 683.)

No. 298. Naga, Ambos Camarines. Claim for rental and damages to convent, amounting to ₱5,248.

We recommend payment of rent, ₱900; damages, ₱160; total, ₱1,060.

(Exhibits 684–691.)

No. 299. San Francisco de Malabon, Cavite. Claim for rental and damages to church and convent, amounting to ₱10,868.

We recommend payment of rent, forty-five months, at ₱150 per month, ₱6,750; no damages.

(Exhibits 692–695.)

No. 300. Dumanjug, Cebu. Claim for rental and damages to church and convent, amounting to ₱1,840.

We recommend payment of rent, twelve months, at ₱45 per month, ₱540; no damages.

(Exhibits 696–701.)

No. 301. Tigaon, Ambos Camarines. Claim for rent and damages to church and convent, amounting to ₱3,553.

We recommend payment of rent, fifteen months, at ₱60 per month, ₱900; damages, ₱700; total, ₱1,600.

(Exhibits 702–705.)

No. 302. Pagsanjan, Laguna. Claim for rental and damages to church and convent, amounting to ₱8,911.

We recommend payment of rent for convent, twenty-nine months, at ₱70 per month, ₱2,030; for church, four months, at ₱50 per month, ₱200; damages, ₱450; total, ₱2,680.

(Exhibits 706–709.)

No. 303. Sampaloc, Tayabas. Claim for rental and damages to church, amounting to ₱1,88.50.

We recommend payment of rent, five months, at ₱20 per month, ₱100; damages, ₱50; total, ₱150.

(Exhibits 710, 711.)

No. 304. Pitogo, Tayabas. Claim rental for convent, amounting to $140.

We recommend payment of rent, seven months, at ₱10 per month, ₱70.

(Exhibits 712–715.)

No. 305. Santa Maria, Laguna. Claim for rental and damage to convent, amounting to ₱1,431.

We recommend payment of rent, ten months, at ₱30 per month, ₱300; no damage; total, ₱300.

(Exhibits 716–720.)

No. 306. Laoag, Ilocos Norte. Claim for rental and damages to church and convent, amounting to ₱67,068.25.

We recommend payment of rent, thirty-six months, at ₱200 per month, ₱7,200; damages, ₱400; total, ₱7,600.

(Exhibits 721–725.)

No. 307. Cavite Viejo, Cavite. Claim for rental and damages to church and convent, amounting to ₱10,700.

We recommend payment of rent for yard, nineteen months, at ₱12 per month, ₱228; no damages; total, ₱228.

(Exhibits 726–729.)

No. 308. Calauan, Laguna. Claim for rental and damages to convent, amounting to ₱1,925.

We recommend payment of rent, six months, at ₱25 per month, ₱150; damages, ₱200; total, ₱350.

(Exhibits 730–734.)

No. 309. Bacoor, Cavite. Claim for rental and damages to church and convent, amounting to ₱17,600.

We recommend payment of rent, twenty months, at ₱60 per month, ₱1,200; damages, ₱1,500; total, ₱2,700.

(Exhibits 735–742.)

No. 310. Burauen, Leyte. Claim for rental and damages to church and convent, amounting to ₱5,025.

We recommend payment of rent, ₱100; no damages; total, ₱100.

(Exhibits 743, 744.)

No. 311. Basey, Samar. Claim for rental and damages to church and convent, amounting to ₱17,624.

We recommend payment of rent, ₱2,100; no damages; total, ₱2,100.

(Exhibits 745–752.)

No. 312. Cagayan, Mindanao. Claim for rental and damages to church and convent, amounting to ₱3,317.

We recommend payment of rent, ten months, at ₱40 per month, ₱400; damages, ₱150; total, ₱550.

(Exhibits 753–755.)

No. 313. Santiago, Ilocos Sur. Claim for rental and damages to church and convent, amounting to ₱1,015.

We recommend payment of rent, eight months, at ₱30 per month, ₱240; damages, ₱75; total, ₱315.

(Exhibits 756–759.)

No. 314. Lumban, Laguna. Claim for rental and damages to church and convent, amounting to ₱3,670.

We recommend payment of rent, seventeen months, at ₱80 per month, ₱1,360; damages, ₱300; total, ₱1,660.

(Exhibits 760, 761.)

No. 315. Tayabas, Tayabas. Claim for rental and damages to church and convent, amounting to ₱2,470.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; no damages; total, ₱1,200.

(Exhibits 762–764.)

No. 316. Maripipi, Leyte. Claim for destruction of church and convent by fire; no estimate of value.

We recommend nothing to be paid, the destruction being an incident of warfare.

(Exhibit 765.)

No. 317. San Juan del Monte, Rizal. Claim for rental and damages to church and convent, amounting to ₱14,545.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; no damages. Total, ₱1,200.

(Exhibits 766–770.)

No. 318. Jassan, Mindanao. Claim rent in sum of ₱150.

We recommend payment of rent, four months, at ₱30 per month, ₱120.

(Exhibits 771, 772.)

No. 319. Sand Leonardo, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱1,320.

We recommend payment of rent, ₱1,000; no damages.

(Exhibits 773, 774.)

No. 320. Torrijos, Marinduque. Claim for rental and damages to church and convent, amounting to ₱695.

We recommend payment of rent for church, ₱40; for convent, ₱150; damages, ₱50; total, ₱240.

(Exhibits 775, 776.)

No. 321. Paracale, Ambos Camarines. Claim for rental and damages to church and convent, amounting to ₱1,900.

We recommend payment of rent, twenty months, at ₱25 per month, ₱500; damages, ₱100; total, ₱600.

(Exhibits 777–779.)

No. 322. Malitbog, Leyte. Matalom, Leyte. Claim for ₱4,157.03, money of church seized by the Insurgent Lukban in 1899.

We recommend that nothing be paid.

(Exhibits (B and C, 780–782.)

No. 323. Dapitan, Mindanao. Claim damages to convent, amounting to ₱514.

We recommend payment of ₱50 as damages; no rent.

(Exhibits 783–785.)

No. 324. Alabat, Tayabas. Claim for rental of convent, ₱101.46.

We recommend that nothing be paid.

(Exhibits 786–788.)

No. 325. Pandan, Albay. Claim for rental of convent, amounting to ₱377.

We recommend that nothing be paid.

(Exhibit 789.)

No. 326. Minalabag, Ambos Camarines. Claim for rental and damages to convent, amounting to ₱765.

We recommend that nothing be paid.

(Exhibit 790.)

No. 327. Angadanan, Isabela. Claim for damages to church and convent, amounting to ₱620.

We recommend payment of damages ₱250; no rent.

(Exhibits 791–795.)

No. 328. Bagabag, Nueva Vizcaya. Claim for rent of convent, twenty-four and one-half months, at ₱150 per month, ₱3,675.

We recommend payment of rent, twenty-four and one-half months, at ₱75 per month, ₱1,837.50; no damages.

(Exhibits 796–800.)

No. 329. Dupax, Nueva Vizcaya. Claim for rent of convent, thirteen months, at ₱150 per month, ₱1,950.

We recommend payment of rent, thirteen months, at ₱65 per month, ₱845; no damages.

(Exhibits 800–802.)

No. 330. Solano, Nueva Vizcaya. Claim for rent of convent, twenty-four and one-half months, at ₱50 per month, ₱1,225.

We recommend payment of rent, twenty-four months, at ₱25 per month, ₱600.

(Exhibits 800, 803, 804.)

No. 331. Rosales, Nueva Ecija. Claim for rent and damages to church and convent, amounting to ₱92,900.

We recommend payment of rent, sixteen months, at ₱100 per month, ₱1,600; no damages.

(Exhibits 805–807.)

No. 332. Santa Maria, Isabela. Claim for rent and damages to church and convent, amounting to ₱1,976.

We recommend payment of rent, fifteen months, at ₱33.33⅓ per month, ₱500; damages, ₱160; total, ₱660.

(Exhibits 808–812.)

No. 333. Calabanga, Ambos, Camarines. Claim for damages to church and convent, amounting to ₱1,915.

We recommend payment as damages, ₱750; no rent.

(Exhibits 813–815.)

No. 334. Libmanan, Ambos Camarines. Claim for damages to church and convent, amounting to ₱5,530.

We recommend that nothing be paid. (See case 44.)

(Exhibits 816, 817.)

No. 335. Maynit, Mindanao. Claim rent and damages to church and convent, amounting to ₱674.

We recommend payment of rent, ₱90; no damages.

(Exhibits 818–820.)

No. 336. San Quentin, Pangasinan. Claim rent for convent, amounting to ₱4,800.

We recommend payment of rent, twenty-four months, at ₱55 per month, ₱1,320; no damages.

(Exhibits 821, 822.)

No. 337. Pasacao, Ambos Camarines. Claim rent and damages to church and convent, amounting to ₱1,610.

We recommend payment of rent, ten months, at ₱30 per month, ₱300; damages, ₱300; total, ₱600.

(Exhibits 823, 824.)

No. 338. Gumaca, Tayabas. Claim rent and damages to convent, amounting to ₱6,428.

We recommend payment of rent, twelve months, at ₱35 per month, ₱420; damages, ₱25; total, ₱445.

(Exhibits 825–827.)

No. 339. Pilar, Abra. Damages to church and convent, amounting to ₱6,697.

We recommend nothing be paid.

(Exhibits 828, 829.)

No. 340. San José, Abra. Claim for rent and damages to church, amounting to ₱700.

We recommend payment of rent, ₱20; damages, ₱80; total, ₱100.

(Exhibits 830–833.)

No. 341. Ville Vieja, Abra. Claim for rent and damages to church and convent, amounting to ₱3,090.

We recommend payment of rent, ₱550; no damages.

(Exhibits 834–841.)

No. 342. Nueva Caceres, Ambos Camarines. Claim for rent and damages to Episcopal palace, seminary, corral, San Felipe, cemetery, etc., amounting to ₱46,059.07.

We recommend payment as follows: Rent, palace, thirty-seven months, at ₱400, ₱14,800; damages, palace, ₱640; rent, cemetery, ₱664; rent, seminary, twenty-six months, at ₱220, ₱5,720; rent, corral, forty-five months, at ₱35, ₱1,575; rent, San Felipe, sixteen months, at ₱16, ₱256; damages, seminary, corral, etc., ₱565; total, ₱24,220.

(Exhibits 842–877.)

No. 343. San Mateo, Rizal. Claim for rent and damages to convent, amounting to ₱11,279.

We recommend payment of rent, fifty-four months, at ₱60 per month, ₱3,240; damages, ₱100; total, ₱3,340.

(Exhibits 878–881.)

No. 344. Montalban, Rizal. Claim for rent and damages to church, amounting to ₱655.

We recommend payment of rent, six months, at ₱50 per month, ₱300; no damages.

(Exhibit 882.)

No. 345. Mariquina, Rizal. Claim damages to church and convent, amounting to ₱71,193.50.

We recommend that nothing be paid.

(Exhibit 883.)

No. 346. Indang, Cavite. Claim for rent of convent, amounting to ₱5,220.

We recommend payment of rent, thirty and one-half months, at ₱50 per month, ₱1,525 (₱950 properly a claim against the insular government).

(Exhibits 884–886.)

No. 347. Lilio, Laguna. Claim for damages to church and convent, amounting to ₱5,413.40.

We recommend that nothing be paid.

(NOTE.—We recommend that the statement against Captain Stamper be investigated.)

(Exhibit 887.)

No. 348. Longos, Laguna. Claim for rent and damages to convent, amounting to ₱650.

We recommend payment of rent, six months, at ₱20 per month, ₱120; no damages.

(Exhibits 888–889.)

No. 349. Majayjay, Laguna. Claim for rent and damages to church and convent, amounting to ₱11,349.14.

We recommend payment as follows: Rent, convent, thirty months, at ₱80, ₱2,400; rent, church, six months, at ₱40, ₱240; rent, school, eighteen months, at ₱25, ₱450; damages, ₱250; total, ₱3,340.

(Exhibits 890–894.)

No. 350. Vigan, Ilocos Sur. Claim for rent and damage to palace, seminary, girls' school, and corral, amounting to ₱67,500.80.

We recommend payment as follows: Palace, rent, twenty months, at ₱175 per month, ₱3,500; palace, damages, ₱1,200; seminary, rent, thirty-seven months, at ₱200 per month, ₱7,400; seminary (no damages); girls' school, rent, thirty-seven months, at ₱175, ₱6,475; girls' school, damages, ₱1,200; corral, rent of grounds, thirty-seven months, at ₱30, ₱1,110; total, ₱20,885.

(Exhibits 895–951.)

No. 351. Goa, Ambos Camarines. Claim for rent and damages to church and convent, amounting to ₱6,526.90.

We recommend payment of rent, eighteen months, at ₱100 per month, ₱1,800; damages, ₱2,200; total, ₱4,000.

(Exhibits 952–955.)

No. 352. Tagoloan, Misamis, and Santa Ana, Misamis. Claim for rent, church and convent, ₱488.29.

We recommend payment of rent, ₱400.

(Exhibit 956.)

No. 353. Ligao, Albay. Claim for rent and damages to church and convent, amounting to ₱5,940.

We recommend payment as follows: Church, rent, three months, at ₱30 per month, ₱90; convent, rent, nineteen months, at ₱125 per month, ₱2,375; damages, ₱1,000; total, ₱3,465.

(Exhibits 957–959.)

No. 354. Catabalogan, Samar. Claim for rent, amounting to ₱600.

We recommend payment of rent, three months, at ₱100 per month, ₱300; total, ₱300.

(Exhibits 960–962.)

No. 355. Calbiga, Samar. Claim rent and damages to church and convent, amounting to ₱8,450.

We recommend payment of rent, ten months, at ₱80 per month, ₱800; no damages.

(Exhibit 963.)

No. 356. Aloran, Misamis. Claim for rent and damages to church property, amounting to ₱920.

We recommend payment of rent, eight months, at ₱40 per month, ₱320; damages, ₱200; total, ₱520.

(Exhibits 964–965.)

No. 357. Magaldan, Pangasinan. Claim for rent and damages to church and convent, amounting to ₱2,665.

We recommend payment of rent, thirty-one and one-half months, at ₱25 per month, ₱787.50; no damages.

(Exhibits 966–971.)

No. 358. Concepcion, Tarlac. Claim for rent and damages to convent, amounting to ₱3,086.

We recommend payment of rent, twenty-six months, at ₱60 per month, ₱1,460; damages, ₱150; total, ₱1,610.

(Exhibits 972–974.)

No. 359. San Nicolas, Pangasinan. Claim for rent and damages to church, amounting to ₱630.

We recommend payment of rent, one month, at ₱50; no damages.

(Exhibits 975–978.)

No. 360. Hilongos, Leyte. Claim for rent and damages, church and convent, amounting to ₱205,050.

We recommend payment of rent, seven months, at ₱100 per month, ₱700; no damages. (Even if substantiated and act of war; but American troops left January 19, 1901.)

(Exhibit 979.)

No. 361. Tuguegarac, Cagayan. Claim for rent and damages, convent, house, and storehouse, amounting to ₱8,470.

We recommend payment of rent as follows: Convent, thirty-three months, at ₱110 per month, ₱3,630; house, twenty-five months, at ₱50 per month,

₱1,250; storehouse, twenty-six months, at ₱5 per month, ₱130; total, ₱5,010; no damages.

(Exhibits 980–986.)

No. 362. Tubugan, Iloilo. Claim for damages by looting church and convent, amounting to ₱32,344.

We recommend that nothing be paid, for even if claim was substantiated it was the unlawful acts of the service.

(Exhibits 987–992.)

No. 363. Calinog, Iloilo. Claim for damages to church and convent, amounting to ₱9,720.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 993–997.)

No. 364. Lambunac, Iloilo. Claim for damages to church and convent, amounting to ₱11,053.41.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 998–1001.)

No. 365. Pototan, Iloilo. Claim for rent and damages to convent, amounting to ₱1,750.

We recommend payment of rent, twenty-nine months, at ₱50 per month, ₱1,450; damages, ₱150; total, ₱1,600.

(Exhibits 1002–1005.)

No. 366. Bacolod, Negros. Claim for rent and damages, church and convent, amounting to ₱17,039.94.

We recommend payment of rent, forty-three months, at ₱200 per month, ₱8,600; damages, ₱500; total, ₱9,100.

(Exhibits 1006–1013.)

No. 367. Tanjay, Negros. Claim for rent and damages, church and convent, amounting to ₱560.

We recommend payment of rent, seven months, at ₱50 per month, ₱350; no damages.

(Exhibits 1014–1018.)

No. 368. Bugasong, Antique. Claim for rent, church and convent, amounting to ₱3,300.

We recommend payment of rent, twenty-two months, at ₱60 per month, ₱1,320; no damages.

(Exhibits 1019–1022.)

No. 369. Maasin, Iloilo. Claim for rent and damages, church and convent, amounting to ₱2,000.

We recommend payment of rent, thirteen months, at ₱50 per month, ₱650; damages, ₱250; total, ₱900.

(Exhibits 1023–1031.)

No. 370. Cabatuan, Iloilo. Claim for rent and damages, church and convent, amounting to ₱4,450.

We recommend payment of rent, twenty-four months, at ₱75 per month, ₱1,800; no damages.

(Exhibits 1032–1037.)

No. 371. Mandurriao, Iloilo. Claim for damages church effects, amounting to ₱405.

We recommend that nothing be paid. Even if substantiated, it would be a case of looting.

(Exhibits 1038–1042.)

No. 372. Alimodian, Iloilo. Claim damages to church property, amounting to ₱267.

We recommend that nothing be paid. Even if substantiated, it would be a case of looting.

(Exhibits 1043–1046.)

No. 373. Duenas, Iloilo. Claim for damages to convent and effects by fire, amounting to ₱5,615.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 1047–1050.)

No. 374. La Castellana, Negros. Claim for rent and damages to convent amounting to ₱5,875.

We recommend payment of rent three months, ₱25 per month, ₱75; no damages.

(Exhibits 1051–1056.)

No. 375. Murcia, Negros. Claim for rent and damages to church property, amounting to ₱854.75.

We recommend payment of rent six months, at ₱20 per month, ₱120; no damages.

(Exhibits 1057–1064.)

No. 376. Isabella, Negros. Claim for rent and damages to priest house and convent, amounting to ₱3,027.25.

We recommend payment for rent of priest house thirty-four months, at ₱20 per month, ₱680; rent of convent seven months, at ₱20 per month, ₱140; total rent, ₱820; no damages.

(Exhibits 1065–1072.)

No. 377. Jinigaran, Negros. Binalbagan, Negros. Claim for rent and damages to convent, amounting to ₱1,250.

We recommend payment of rent twelve months, at ₱40 per month, ₱480; damages, ₱250; total, ₱730.

(Exhibits 1073–1079.)

No. 378. Passi, Iloilo. Claim for damages to church and convent, amounting to ₱695.

We recommend nothing be paid, even if substantiated. It was the result of the looting.

(Exhibits 1080–1082.)

No. 379. Jaro, Iloilo. Claim for rent and damage to seminary, palace, hospital, convent, and cathedral, amounting to ₱117,899.

We recommend following: Rent of seminary thirty-four months, at ₱600, ₱20,400; damages to seminary, ₱2,840; rent of palace thirty-six months, at ₱100, ₱3,600; damages to palace, ₱1,100; rent of hospital seven months, at ₱100, ₱700; damages to hospital; convent rent for ten months, at ₱100, ₱1,000; damages to convent, ₱500; total, ₱30,140.

(Exhibits 1083–1109.)

No. 380. Lingayad, Pangasinan. Claim for rent and damages to convent, amounting to ₱9,874.26.

We recommend payment of rent thirty-six months, at ₱125 per month, ₱4,500; damages, ₱500; total, ₱5,000.

(Exhibits 1110–1112.)

No. 381. Umingan, Pangasinan. Claim for rent of church and convent, amounting to ₱5,600.

We recommend payment of rent fourteen months, at ₱100 per month, ₱1,400.

(Exhibits 1113, 1114.)

No. 382. Dagami, Pastrana, Tabontabon, Leyte. Claim for damages and rent, amounting to ₱8,049.

We recommend payment of rent for fifteen months, at ₱150, ₱2,275; no damages.

(Exhibits 1115–1118.)

No. 383. Loay, Bohol. Claim for rent and damage, church and convent, amounting to ₱13,330.

We recommend payment of rent, ₱330; no damages.

(Exhibits 1119–1121.)

No. 384. Johonga, Surigao. Claim for rent and damages for church and convent, amounting to ₱3,744.

We recommend payment of rent, ₱210; no damages.

(Exhibit 1122.)

No. 385. Tarangnan, Samar. Rent and damages, church and convent, amounting to ₱105.50.

We recommend this be paid.

(Exhibits 1123, 1124.)

No. 386. Tabogan, Cebu. Rent and damages, church and convent, amounting to ₱3,286.

We recommend payment of rent, ₱280; no damages.

(Exhibits 1125, 1126.)

No. 387. Catanuan, Tayabas. Claims damages, church property, amounting to ₱500.

We recommend damages, ₱350.

(Exhibit 1127.)

No. 388. Palapag, Samar. Claims damages to church, amounting to ₱2,000.

We recommend that nothing be paid; troops occupied municipal buildings only.

(Exhibit 1128.)

No. 389. Oquendo, Samar. Claims damages to church and convent, amounting to ₱13,842.
We recommend damages, ₱3,000.
(Exhibit 1129.)

No. 390. Albay, Albay. Claims rent and damages, convent, amounting to ₱6,408.
We recommend payment of rent five months, at ₱150 per month, ₱750; no damages.
(Exhibits 1130–1132.)

No. 391. Mauban, Tayabas. Claims rent and damages to convent, amounting to ₱2,150.
We recommend payment of rent, twenty-seven months, at ₱40 per month, ₱1,080; damages, ₱400; total, ₱1,480.
(Exhibits 1133–1135.)

No. 392. Segod, Cebu. Damages to church and property by fire, amounting to ₱30,643.38.
We recommend that nothing be paid; act of war.
(Exhibits 1136–1139.)

No. 393. San Jose, Ambos Camarines. Claim for rent, church property, amounting to ₱1,800.
We recommend payment of rent for eighteen months, at ₱100 per month; total, ₱1,800.
(Exhibits 1140, 1141.)

No. 394. Lagonoy, Ambos Camarines. Claim rent and damages to convent, amounting to ₱2,212.
We recommend payment of rent for fourteen months, at ₱50 per month, ₱700; damages, ₱250; total, ₱950.
(Exhibits 1142–1145.)

No. 395. Janiuay, Iloilo. Claim rent, convent, amounting to ₱1,000.
We recommend that this be paid.
(Exhibits 1146-1148.)

No. 396. Jimamailan, Negros. Claim rent, convent, amounting to ₱960.
We recommend that this be paid.
(Exhibits 1148–1149.)

No. 397. Cadiz, Negros. Claim rent, convent, amounting to ₱1,680.
We recommend payment of rent, sixteen months, at ₱50 per month, ₱800.
(Exhibits 1150, 1151.)

No. 298. Manapla, Negros. Claim rent of convent, amounting to ₱1,920.
We recommend payment of rent twenty-four months, at ₱50 per month, ₱1,200.
(Exhibits 1151–1153.

No. 399. Saravia, Negros. Claim for rent of convent, amounting to ₱1,800.
We recommend payment of rent, fourteen months, at ₱40 per month, ₱560.
(Exhibits 1154–1151.)

The board then proceeded to consider the letters and papers submitted by Bishop Dougherty referring to case No. 85, Magsingal, Ilocos Sur; case No. 101, Mamacpacan, Union; and case No. 110, Dolores, Abra. After full consideration, the board adheres to its former findings and recommendations.

(Exhibits 1155–1165.)

No. 400. Bacon, Sorsogon. Claim rent of church, amounting to ₱360.
We recommend that nothing be paid.
(Exhibits 1166, 1167.)

No. 401. Daraga, Albay. Claim rent and damages, church and convent, amounting to ₱86,858.
We recommend payment for rent of church for fourteen months, at ₱70 per month; no rent for convent; no damages; total, ₱980.
(Exhibits 1167, 1168.)

No. 402. Capalonga, Sorsogon. Claim damage to church property, amounting to ₱5,450.
We recommend that nothing be paid. Even if substantiated it would be a case of looting.
(Exhibit 1167.)

No. 403. Jiabong, Samar. Claim rent and damages, church and convent, amounting to ₱12,261.

We recommend payment of rent, sixteen months, at ₱20 per month, ₱320; damages, ₱1,000; total, ₱1,320.

(Exhibits 1169–1171.)

No. 404. Indan, Ambos Camarines. Claim rent and damage to church property, amounting to ₱5,353.

We recommend that nothing be paid. Building not occupied.

(Exhibits 1172–1176.)

No. 405. Santa Cruz, Cavite. Claim rent and damages, church and convent, amounting to ₱6,275.

We recommend payment of rent, forty-three months, at ₱60 per month, ₱2,580; damages, ₱600; total, ₱3,180.

(Exhibits 1177–1179.)

No. 406. Rosario, Cavite. Claim rent and damages, chruch and convent, amounting to ₱7,350.

We recommend payment of rent, fourteen months, at ₱20 per month, ₱280; damages, ₱1,050; total, ₱1,330.

(Exhibits 1180–1182.)

No. 407. Nagcarlan, Laguna. Claim for rent and damages, church and convent, amounting to ₱6,148.

We recommend payment of rent for twenty months, at ₱75 per month, ₱1,500; damages, ₱500; total, ₱2,000.

(Exhibit 1183.)

Recapitulation.

Amount claimed		₱4,885,926.26
Amount recommended:		
Rent	₱579,598.87	
Damages	110,093.50	
Total		689,692.37
Per cent, 14.11.		
Additional allowances, per Exhibit D:		
Rent	34,158.00	
Damages	2,210.00	
Total		36,368.00
Aggregate allowance, Philippine currency		726,060.37
Aggregate allowance, United States currency		$363,030.19

The following cases are included in this report in accordance with the instructions of the division commander, dated September 28, 1905 (Exhibit D):

	City.	Province.	Rent.	Damages.	Total.
No. 408	Silay	Negros	₱1,940		₱1,940
No. 409	Concepcion	Lepanto-Bontoc	102		102
No. 410	Carrangian	Nueva Ecija	180	₱50	230
No. 411	Cuyapo	do	720		720
No. 412	Dasol	Zambales	600		600
No. 413	Bantoc	Lepanto-Bontoc	112		112
No. 414	Agno	Zambales	525		525
No. 415	Balincaguin	do	630		630
No. 416	Antipolo	Rizal	150		150
No. 417	Liloan	Cebu	520		520
No. 418	Danao	do	520		520
No. 419	Botolan	Zambales	1,200		1,200
No. 420	Carcar	Cebu	180		180
No. 421	San Juan	Batangas	1,600		1,600
No. 422	Guinayangan	Tayabas	755		755
No. 423	Balingao	Misamis	80		80
No. 424	Dumarao	Capiz	570		570
No. 425	Iba	Zambales	600		600
No. 426	Igbaras	Iloilo	480		480
No. 427	Mutiniupa	Rizal	810	150	960
No. 428	San Marcelino	Zambales	960	150	1,110
No. 429	San Felipe	do	1,440		1,440
No. 430	San Narciso	do	880		880
No. 431	San Antonio	do	60		60
No. 432	Matti	Davao	180		180
No. 433	Subic	Zambales	400		400

	City.	Province.	Rent.	Damages.	Total.
No. 434	Sevilla	Ilocos Sur	₱84		₱84
No. 435	Palauig	Zambales	460		460
No. 436	Mangarin	Mindoro	1,200	₱400	1,600
No. 437	Pantabangan	Nueva Ecija	625		625
No. 438	Pinamalayan	Mindoro	40		40
No. 439	Parang	Cotabato	360	60	420
No. 440	Tigbauan	Iloilo	950		950
No. 441	Santa Cruz	Laguna	60		60
No. 442	Loculan	Misamis	150		150
No. 443	Paluan	Mindoro	165		165
No. 444	Jimenez	Misamis	1,200		1,200
No. 445	Culion	Culion	150		150
No. 446	Jaro	Leyte	1,320		1,320
No. 447	Romblon	Romblon	570		570
No. 448	Guiuan	Samar	70		70
No. 449	Cabangan	Zambales	840		840
No. 450	Guimbaloan	Negros	190		190
No. 451	Malinao	Capiz	100		100
No. 452	Cavanoalan	Negros	660		660
No. 453	Sagay	do	550		550
No. 454	Bais	do	560		560
No. 455	La Carlota	do	440		440
No. 456	Bayauan	do	220		220
No. 457	Guimbal	Iloilo	440		440
No. 458	Guijulugan	Negros	480		480
No. 459	Ibajay	Capiz	240		240
No. 460	Calatrava	Negros	400		400
No. 461	Oroquieta	Misamis	750		750
No. 462	Leon	Iloilo	1,600		1,600
No. 463	Santa Rosa	Manila	2,000	1,000	3,000
No. 464	Binangonan	Infanta	120		120
No. 465	La Loma	Rizal	920	400	1,320
No. 466	La Trinidad	Benguet	50		50
Total			34,158	2,210	36,368

(Exhibits 1184–1258.)

Presenting this report of investigation and recommendation, the board submits therewith the following statement for the consideration of the reviewing authority:

In the examination of all claims presented by the church for occupation and use of church property by United States troops, and damages incident thereto and consequent upon said occupation, the board has been actuated by a desire to be fair and equitable in every instance; and fully believes its estimate of amount due from the United States to the Roman Catholic Church in the Philippines for rental and damages to be just or as nearly so as it is possible to make a settlement at this late date.

The claims of the church have been submitted in Spanish, the language best understood in the country. Translation of these claims have not been made and transmitted with this report for various reasons, among which may be mentioned absence of proper interpreters at command of board, consideration of time required to make such translation, and lack of necessity, as statement of total of claim is made in English in report of board.

The location of church property on which claim has been made for rental and damage is so widely distributed throughout the archipelago, and in some instances so inaccessible, that it has been deemed a matter of impossibility that a visit be made to each locality by the board as a body, or by the members separately, and therefore the necessity has arisen of making investigation and basing recommendation on examination of claim of church, reports of officers sent to investigate and report upon property, and such other pertinent information as could be obtained from records of various offices and other sources.

In due consideration of the claims presented by the church, the board has caused records to be searched for data, and have gathered information, in all ways available, until they have felt that enough was at hand on which to render a fair and just report. Before the convening of this board officers of the Army had been detailed to inspect the buildings occupied by United States troops in the various provinces and to make report upon, with estimate of value of rental and damages as the result of such occupation.

These reports have been submitted to the board and have been fully considered by them in basing their estimates.

In a number of cases, considering the size of the buildings, etc., it has been apparent that the officers making the reports have not reported on adequate rental, and in such cases the board has not hesitated to place the rental at what was deemed a reasonable amount. In all other cases, however, the board has felt that the officers on the ground, with full knowledge of all the conditions, were better able to judge than the members of the board on ex parte evidence.

To have secured direct testimony subject to personal examination on all disputed questions of fact would have delayed this report indefinitely.

For a proper consideration of these claims a knowledge of past conditions in the islands is essential.

The insurrection of 1896 and the following years, we are told by contemporary writers, was aimed at both the church and state, they being under the Spanish Government virtually one and the same, the animus being directed chiefly against the friars, who had fortress-like buildings and who occupied and cultivated by native labor large tracts of land, and who were therefore exceedingly prosperous, and, perhaps, by reason of this prosperity the more open to attack by agitators. During the progress of this insurrection in the provinces affected the churches and conventos were occupied alternately by insurgents and Spanish, and there was no doubt much destruction of church property or the property of the orders in the attack and defense of these outposts of the church. Writings of the time record many cases of bombardment of these places, burnings, lootings, and the use of materials of buildings as intrenchments and other means of defense.

No sufficient time elapsed between the end of the insurrection of 1896, as continued, and the insurrection against the Spanish Government in the summer of 1898 to allow of repair of damage already done or the reconstruction and rehabilitation of many of the parish churches and conventos destroyed or injured during the former insurrection. Between the termination of the first and the outbreak of the second insurrection the country was evidently overrun by ladrones and pulajanes—robbers and outlaws—who held the inhabitants in terror. The insurrection of 1896 extended in its scope to nearly all the islands of the archipelago, and was particularly virulent during the latter part in the Visayas and in parts of Mindanao. These same conditions were present during the insurrection of 1898 and the following year—the same destruction of church property and the property of the orders by the insurgent forces in the use of same as places of rally and defense, the same use of material for construction of outworks, and the same lootings and burnings on forced evacuation.

Similar damage, only to perhaps a greater extent, incident to the use of heavier guns by the Americans, followed from bombardment of such places, in some instances resulting in fire, with the consequent total or partial loss of the buildings.

It is to be regretted that these cases were not finally adjusted several years ago while the questions presented were fresh. Among the many causes that have contributed to the delay in settlement may be mentioned the disturbed condition of the country immediately following the collapse of the insurrection, the delay of the church in formulating and presenting their claims (the claims were received here in July, 1905), and the prevalent belief that the claims for rental and damages to church property would be considered and some adjustment made at the time the friar land questions were determined.

The officials of the Catholic Church state that they have experienced difficulty in securing statements and presenting claims for occupation and damage to their property in certain sections, the records of the church and church property being in the control of the Agilpayans, a hostile offshoot of the church, or in the hands of a hostile municipality. This difficulty has also been due to a certain extent to the severance of church and state and the consequent reduction of church revenue. War, pestilence, and famine have also had a serious effect in reducing church income.

In some towns, even after due diligence, it has been impossible for the church authorities to submit proper claims, and as money is equitably due from the United States for occupation by the United States forces, the board has, in accordance with the instructions of the division commander, included in its report all towns for which no claims were presented, yet which were shown by official reports to have been occupied.

This report, therefore, disposes of all church claims except those of certain religious orders who have filed with this board, through their attorneys, claims for rent and damages amounting to $796,469.09 United States currency. Report on these cases will be rendered as soon as possible.

Many of the churches and conventos on these islands were built over a century ago, and while it is to be supposed that ordinary care has been taken in preservation of same, nevertheless it is a well-known fact that much deterioration must have taken place in the material of which the buildings are composed by the action of the elements and from the ravages of insects. Buildings deteriorate rapidly in such a climate as that prevalent here, and it is doubtful if much care was exercised or many if any repairs made during the period of insurrection in the islands, and as a result of such lack of care and repair small damages would increase in scope in a rapid manner. Times of war are serious within the zone of operations, for the noncombatants as well as for those engaged in actual hostilities, and in view of the disturbed conditions in most instances, occupation of church property in various parts of the Philippines has inured to the benefit of the church by prevention of spoliation by those in insurrection and other evil-minded persons and in many instances the occupancy has been a positive benefit rather than a detriment to their interests.

One of the hardest questions for the board to determine was the manner in which the amount to be paid for the occupation was to be

ascertained. From the very nature of the buildings, and from the fact that they were the only buildings in the towns of substantial construction, it was impossible to get any proper guide from commercial rates; and for the same reason it was virtually impossible to get any proper estimate of the value of the buildings and then to figure by percentages from that as to what would be a fair rental.

The damages resulting from prevention of religious services, on account of occupation of the church by United States forces, would be purely speculative, especially so when it is considered that in almost every instance where insurgents were in the vicinity or had been driven from the town by the United States troops, the priests either abandoned their charges and went voluntarily into the hills with the insurgents, or were taken by them by force and held as prisoners. The amount of interference with the conduct of religious services was very slight.

It was also suggested that we take a monthly rate as to the number of troops that occupied the buildings. In some cases, however, a very few troops occupied a very large building, while in other cases a number of troops were crowded into one of inferior construction, according to the demands of military necessity. In some instances the priest in charge of the parish lived in the convent with the troops, while in other cases the convent was completely occupied, and he was compelled to rent other quarters in the town for his living apartments.

After much discussion and reflection neither the rule of "quantum meruit" nor that of the damages inflicted to claimants was adopted, but all possible elements were taken into consideration by the board, so far as it was in its power to do so, in arriving at what they deemed to have been a fair and just rental for the occupation of the buildings.

It is a well known fact that when American forces entered a town they usually found that everything of value had been taken away from the churches and convents. In many of the towns church property had been completely sacked by the insurgents and criminal inhabitants, and in the other cases where the communities were still religious various persons carried off all movable property of value from the different churches and convents to their homes or in some other way concealed the same from the Americans.

It is also a well-established fact that during the early years of American occupation many native priests were aiders and abettors of the insurrection, and it may be possible that in some instances that fact may have influenced Americans who were called upon for reports upon questions of damages to and rentals of churches in a manner detrimental to the proper interests of the church.

On the other hand, a priest that a few years ago was hostile, especially one who had been punished by the Americans for his action, is apt not to be conservative in his estimate of the damage done to his parish.

The present heads of the church here, without full personal knowledge, have had to depend upon the recollection and judgment of natives in their estimates.

It is evidenced in many cases, as presented, that the estimate of damages has been made for entirely new equipment to replace old, worn out, and badly deteriorated material. The claims have in all cases been substantiated by the affidavits of two or more persons,

but the unreliability of native testimony of this kind is so well known that the board has had no hesitancy in rejecting claims that were improbable or that were contrary to official reports of responsible officers.

All occupation of churches and convents by United States troops were a military necessity, and as a rule they were the only buildings in the town suitable for protection of troops from inclemency of the weather, and of ample accommodation. If there were other suitable buildings in the town, those of the church, being of fortress-like construction, were more capable of successful defense, held control of the town, and their occupation therefore was essential.

In the advance of the American forces it was found that the insurgents generally occupied the churches and convents, and resisted the advance from these buildings, leaving them only when driven out by proper military actions. Upon the scattering of the American forces at times a very small garrison would be left in a place, and upon these occasions the insurgents often attacked the building with the purpose of capturing the defenders. In this manner a great amount of damage was done to the churches and convents, especially to the windows, shutters, roofs, etc., by rifle fire. It has been impossible to properly segregate damages of this sort from other damages that would be liable to have been done by troops living in the buildings.

In all cases of claim made for loss of church property by fire it has been considered after due investigation that such claims come under one of three heads, viz:

(1) Destruction as an act of war, either by being fired by the insurgents on the approach of the American troops, to keep them from falling into their hands; by being fired by bombardment by American troops; or by being destroyed by either force to prevent the buildings being used as cover by the opposing force.

(2) As a case of wanton damage, as being maliciously fired, or

(3) As an accident.

In none of these cases mentioned can the question of damages be considered or a recommendation for payment be made without violating the precedents that have heretofore guided the Government in the settlement of claims.

The word "convent" or "convento" as used in this report means the residence of the priest and includes "casa parochial," or parish house and "convento," which properly means the house occupied by one of the religious orders.

During all important sessions of the board the Catholic Church has had a representative present, and such representative has generally signified acquiescence in action taken by the board. At the various sessions the church has been represented by Right Rev. D. J. Dougherty, bishop of Nueva Segovia; Right Rev. Frederick Rooker, bishop of Jaro; Right Rev. Thomas A. Hendricks, bishop of Cebu; Apostolic Administrator Monsigneur Barlin, of the diocese of Nueva Caceres; Rev. Father M. Caruana, private secretary to the apostolic delegate, and the Reverend Father Sanchez, canon of the Cathedral of Manila, while the papal delegate has been constantly in touch with the work of the board, and suggestions from him have at all times received the consideration and attention they deserve.

The work of the board has been greatly facilitated by the attitude of all of these dignitaries who have recognized the difficulties to be

surmounted, and whose entire conduct has been marked by the greatest fairness.

The church authorities as at present constituted are our friends and helpers in the establishment and preservation of law and order in these islands, and are upholders of the authority of the United States. Their work here has been made hard by the amount of damage that the church has suffered due to war, and the amount awarded by the board, viz, $363,030.19, will not begin to compensate for the loss so inflicted. This amount, however, is justly due from the United States, and is most urgently needed by the church in its work here.

It would be improper for us to close this report without mentioning the work of the officers and men that have served here with the Army of the Philippines in relation to the care they took of church property that came within their hands. Our people without distinction of religion have the greatest respect for all kinds of property, and especially is this marked when the property is dedicated to religion and education. Many of the officers took the same care of the property as if it had been the property of the United States and stringent orders forbidding damage were promulgated, and swift punishment followed the detection of persons failing to obey. It is believed that no army could have had a cleaner record.

In all assemblages of large numbers of men it is unfortunately true that some will commit acts detrimental to the good reputation of all. It happened here that a number of unknown individuals have committed waste, and the part to be most regretted is that such actions were not called to the attention of the commanding officers at or near the time of commission so that investigation could be made, the guilty properly disciplined, and due reparation made. There has not been a commanding general here who would not have been glad to have had the cooperation of the church authorities in the prompt reporting of all vandalism.

Our instructions, contained in exhibits "A," "B," "C," and "D," are inclosed and made a part of these proceedings, and to the best of our ability they have been carefully followed. All documents bearing on the individual claims, consisting of Exhibits 1 to 1258, inclusive, are likewise inclosed and made a part of these proceedings.

Under the provisions of the orders convening this board we have the honor to recommend that Congress be asked to appropriate the sum of $363,030.19 United States currency for the payment of rentals of and damages to church property, Philippine Islands.

If Congress should in its liberality desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of $40,000 be paid, as, in the opinion of the board, this sum would be fully ample.

All of which is respectfully submitted.

J. A. HULL,
Lieutenant-Colonel, Judge-Advocate.

ALEXANDER O. BRODIE,
Lieutenant-Colonel, Military Secretary.

J. W. MOORE,
First Lieutenant, Second Cavalry.

EXHIBIT C.

[No. 2832. November 24, 1906.]

The United States of America. In the supreme court of the Philippine Islands.

Rev. Jorge Barlin, in his capacity as apostolic administrator of this vacant bishopric and legal representative of the general interests of the Roman Catholic Apostolic Church in the diocese of Nueva Caceres, plaintiff and appellee, *v.* P. Vicente Ramirez, ex-rector of the Roman Catholic Apostolic Parochial Church of Lagonoy, and the Municipality of Lagonoy, defendants and appellant.

1. Church buildings; possession; administration; estoppel.

1. In an action brought by the Roman Catholic Church to recover a church building against a priest whom it has put in possession thereof to administer the same, the latter is estopped from alleging ownership at the time he took possession, either in himself or in a third person.

2. Obispo de Cebu *v.* Mangaron, No. 1748, June 1, 1906, followed to the point that a person in possession of real estate who has been deprived of such possession can recover it unless the defendants can show a better right thereto.

3. The government of the Philippine Islands has never undertaken to transfer to the municipalities the ownership or right of possession of the churches therein.

4. Prior to the cession of the Philippines to the United States the King of Spain was not the owner of the consecrated churches therein and had no right to the possession thereof. The exclusive right to such possession was in the Roman Catholic Church, and such right has continued since such cession and now exists.

5. The Roman Catholic Church is a juridical person in the Philippine Islands.

Per CARSON, J., concurring in the result:

6. *Church buildings; ownership.*—The legal title to the state-constructed churches in the Philippine Islands is in the United States.

7. *Id.; usufruct.*—The beneficial ownership of these churches is in the people of the Philippine Islands.

8. *Id.; possession and control.*—The right to the possession and control of these churches is in the Roman Catholic Church so long as it continues to use them for the purposes for which they were dedicated.

Appeal from a judgment of the court of first instance of Ambos Camarines.

The facts are stated in the opinion of the court.

Leoncio Imperial and Chicote, Miranda & Sierra, for the plaintiff and appellee.

Manly & Gallup, for the defendants and appellants.

WILLARD, *J.:* There had been priests of the Roman Catholic Church in the pueblo of Lagonoy, in the Province of Ambos Camarines, since 1839. On the 13th of January, 1869, the church and convent were burned. They were rebuilt between 1870 and 1873. There was evidence that this was done by the order of the provincial governor. The labor necessary for this reconstruction was performed by the people of the pueblo under the direction of the cabezas de barangay. Under the law then in force, each man in the pueblo was required to work for the government, without compensation, for forty days every year. The time spent in the reconstruction of these

buildings was counted as a part of the forty days. The material necessary was bought and paid for in part by the parish priest from the funds of the church and in part was donated by certain individuals of the pueblo. After the completion of the church it was always administered, until November 14, 1902, by a priest of the Roman Catholic Communion and all the people of the pueblo professed that faith and belonged to that church.

The defendant, Ramirez, having been appointed, by the plaintiff, parish priest, took possession of the church on the 5th of July, 1901. He administered it as such under the orders of his superiors until the 14th day of November, 1902. His successor having been then appointed, the latter made a demand on this defendant for the delivery to him of the church, convent, and cemetery, and the sacred ornaments, books, jewels, money, and other property of the church. The defendant, by a written document of that date, refused to make such delivery. That document is as follows:

At 7 o'clock last night I received, through Father Agripino Pisino, your respected order of the 12th instant wherein I am advised of the appointment of Father Pisino as acting parish priest of this town, and directed to turn over to him this parish and to report to you at the vicarage. In reply thereto I have the honor to inform you that the town of Lagonoy, in conjunction with the parish priest thereof, has seen fit to sever connection with the Pope at Rome and his representatives in these islands and to join the Filipino Church, the head of which is at Manila. This resolution of the people was reduced to writing and triplicate copies made, of which I beg to inclose a copy herewith.

For this reason I regret to inform you that I am unable to obey your said order by delivering to Father Agripino Pisino the parish property of Lagonoy which, as I understand it, is now outside of the control of the Pope and his representatives in these islands. May God guard you many years.

Lagonoy, November 14, 1902.

VICENTE RAMIREZ.

Rt. Rev. VICAR OF THIS DISTRICT.

The document, a copy of which is referred to in this letter, is as follows:

LAGONOY, *November 9, 1902.*

The municipality of this town and some of its most prominent citizens, having learned through the papers from the capital of these islands of the constitution of the Filipino National Church, separate from the control of the Pope at Rome by reason of the fact that the latter has refused to either recognize or grant the rights to the Filipino clergy, which have many times been urged, and it appearing to us that the reason advanced why such offices should be given to the Filipino clergy are evidently well founded, we have deemed it advisable to consult with the parish priest of this town as to whether it would be advantageous to join the said Filipino Church and to separate from the control of the Pope as long as he continues to ignore the rights of the said Filipino clergy, under the conditions that there will be no change in the articles of faith, and that the sacraments and other dogmas will be recognized and particularly that of the immaculate conception of the mother of our Lord. But the moment the Pope at Rome recognizes and grants the rights heretofore denied to the Filipino clergy we will return to his control. In view of this and subject to this condition, the reverend parish priest, together with the people of the town, unanimously join in declaring that from this date they separate themselves from the obedience and control of the Pope and join the Filipino National Church. This assembly and the reverend parish priest have accordingly adopted this resolution, written in triplicate, and resolved to send a copy thereof to the civil government of this province for its information, and do sign the same below.

Vicente Ramirez, Francisco Israel, Ambrosio Bocon, Florentine Relloso, Macario P. Ledesma, Cecilio Obias, Balbino Imperial, Juan Preseñada, Fernando Deudor, Mauricio Torres, Adriano Sabater.

At the meeting at which the resolution spoken of in this document was adopted, there were present about 100 persons of the pueblo. There is testimony in the case that the population of the pueblo was at that time 9,000 and that all but 20 of the inhabitants were satisfied with the action there taken. Although it is of no importance in the case, we are inclined to think that the testimony to this effect merely means that about 100 of the principal men of the town were in favor of the resolution and about 20 of such principal men were opposed to it. After the 14th of November, the defendant, Ramirez, continued in the possession of the church and other property and administered the same under the directions of his superior, the Obispo Maximo of the Independent Filipino Church. The rites and ceremonies and the manner of worship were the same after the 14th day of November as they were before, but the relations between the Roman Catholic Church and the defendant had been entirely severed.

In January, 1904, the plaintiff brought this action against the defendant, Ramirez, alleging in his amended complaint that the Roman Catholic Church was the owner of the church building, the convent, cemetery, the books, money, and other property belonging thereto, and asking that it be restored to the possession thereof and that the defendant render an account of the property which he had received and which was retained by him, and for other relief.

The answer of the defendant, Ramirez, in addition to a general denial of the allegations of the complaint, admitted that he was in the possession and administration of the property described therein with the authority of the municipality of Lagonoy and of the inhabitants of the same, who were the lawful owners of the said property. After this answer had been presented, and on the 1st day of November, 1904, the municipality of Lagonoy filed a petition asking that it be allowed to intervene in the case and join with the defendant, Ramirez, as a defendant therein. This petition having been granted, the municipality on the 1st day of December filed an answer in which it alleged that the defendant, Ramirez, was in possession of the property described in the complaint under the authority and with the consent of the municipality of Lagonoy and that such municipality was the owner thereof.

Plaintiff answered this complaint, or answer in intervention, and the case was tried and final judgment entered therein in favor of the plaintiff and against the defendants. The defendants then brought the case here by a bill of exceptions.

That the person in the actual possession of the church and other property described in the complaint is the defendant, Ramirez, is plainly established by the evidence. It does not appear that the municipality, as a corporate body, ever took any action in reference to this matter until they presented their petition for intervention in this case. In fact, the witnesses for the defense, when they speak of the ownership of the buildings, say they are owned by the people of the pueblo, and one witness, the president, said that the municipality as a corporation had nothing whatever to do with the matter. That the resolution adopted on the 14th of November, and which has been quoted above, was not the action of the municipality, as such, is apparent from an inspection thereof.

The witnesses for the defense speak of a delivery of the church by the people of the pueblo to the defendant, Ramirez, but there is no evidence in the case of any such delivery. Their testimony is regard

to the delivery always refers to the action taken on the 14th of November, a record of which appears in the document above quoted. It is apparent that the action then taken consisted simply in separating themselves from the Roman Catholic Church, and nothing is said therein in reference to the material property then in the possession of the defendant, Ramirez.

There are several grounds upon which this jurdgment must be affirmed:

(1) As to the defendant, Ramirez, it appears that he took possession of the property as the servant or agent of the plaintiff. The only right which he had to the possession at the time he took it was the right which was given to him by the plaintiff, and he took possession under the agreement to return that possession whenever it should be demanded of him. Under such circumstances he will not be allowed, when the return of such possession is demanded of him by the plaintiff, to say that the plaintiff is not the owner of the property and is not entitled to have it delivered back to him. The principle of law that a tenant can not deny his landlord's title, which is found in article 333, paragraph 2, of the Code of Civil Procedure, and also in the Spanish law, is applicable to a case of this kind. An answer of the defendant, Ramirez, in which he alleged that he himself was the owner of the property at the time he received it from the plaintiff, or in which he alleged that the pueblo was the owner of the property at that time, would constitute no defense. There is no claim made by him that since the delivery of the possession of the property to him by the plaintiff he has acquired the title thereto by other means, nor does he in his own behalf make any claim whatever either to the property or to the possession thereof.

(2) The municipality of Lagonoy, in its answer, claims, as such, to be the owner of the property. As we have said before, the evidence shows that it never was in the physical possession of the property. But waiving this point and assuming that the possession of Ramirez, which he alleges in his answer is the possession of the municipality, gives the municipality the rights of a possessor, the question still arises, Who has the better right to the present possession of the property? The plaintiff, in 1902, had been in the lawful possession thereof for more than thirty years and during all that time its possession had never been questioned or disturbed. That possession has been taken away from it and it has the right now to recover the possession from the persons who have so deprived it of such possession, unless the latter can show that they have a better right thereto. This was the proposition which was discussed and settled in the case of the Bishop of Cebu *v.* Mangaron, No. 1748, decided June 1, 1906. That decision holds that as against one who has been in possession for the length of time the plaintiff has been in possession, and who has been deprived of his possession, and who can not produce any written evidence of title, the mere fact that the defendant is in possession does not entitle the defendant to retain that possession. In order that he may continue in possession, he must show a better right thereto.

The evidence in this case does not show that the municipality has, as such, any right whatever in the property in question. It has produced no evidence of ownership. Its claim of ownership is rested in its brief in this court upon the following propositions: That the prop-

erty in question belonged prior to the treaty of Paris to the Spanish Government; that by the treaty of Paris the ownership thereof passed to the Government of the United States; that by article 12 of the act of Congress of July 1, 1902, such property was transferred to the government of the Philippine Islands, and that by the circular of that government, dated November 11, 1902, the ownership and the right to the possession of this property passed to the municipality of Lagonoy. If, for the purposes of the argument, we should admit that the other propositions are true, there is no evidence whatever to support the last proposition, namely, that the government of the Philippine Islands has transferred the ownership of this church to the municipality of Lagonoy. We have found no circular of the date above referred to. The one of February 10, 1903, which is probably the one intended, contains nothing that indicates any such transfer. As to the municipality of Lagonoy, therefore, it is very clear that it has neither title, ownership, nor right to possession.

(3) We have said that it would have no such title or ownership even admitting that the Spanish Government was the owner of the property and that it passed by the treaty of Paris to the American Government. But this assumption is not true. As a matter of law, the Spanish Government at the time the treaty of peace was signed was not the owner of this property, nor of any other property like it situated in the Philippine Islands.

It does not admit of doubt that from the earliest times the parish churches in the Philippine Islands were built by the Spanish Government. Law 2, title 2, book 1, of the Compilation of the Laws of the Indies is, in part, as follows:

> Having erected all the churches, cathedrals, and parish houses of the Spaniards and natives of our Indian possessions from their discovery at the cost and expense of our royal treasury, and applied for their service and maintenance the part of the tithes belonging to us by apostolic concession according to the division we have made.

Law 3 of the same title relates to the construction of parochial churches such as the one in question. That law is as follows:

> The parish churches which may be erected in Spanish towns shall be of durable and decent construction. Their cost shall be divided and paid in three parts: One by our royal treasury, another by the residents and Indian encomenderos of the place where such churches are constructed, and the other part by the Indians who abide there; and if within the limits of a city, village, or place there should be any Indians incorporated to our royal crown, we command that for our part there be contributed the same amount as the residents and encomenderos, respectively, contribute; and the residents who have no Indians shall also contribute for this purpose in accordance with their stations and wealth, and that which is so given shall be deducted from the share the Indians should pay.

Law 11 of the same title is as follows:

> We command that the part of the tithes which belongs to the fund for the erection of churches shall be given to their superintendents to be expended for those things necessary for these churches with the advice of the prelates and the officials, and by their warrants, and not otherwise. And we request and charge the archbishops and the bishops not to interfere in the collection and disbursement thereof, but to guard these structures.

Law 4, title 3, book 6, is as follows:

> In all settlements, even though the Indians are few, there shall be erected a church where mass can be decently held, and it shall have a door with a key, notwithstanding the fact that it be subject to or separate from a parish.

Not only were all the parish churches in the Philippines erected by the King and under his direction, but it was made unlawful to erect a church without the license of the King. This provision is contained in Law 2, title 6, book 1, which is as follows:

Whereas it is our intention to erect, institute, found, and maintain all cathedrals, parish churches, monasteries, votive hospitals, churches, and religious and pious establishments where they are necessary for the teaching, propagation, and preaching of the doctrine of our sacred Roman Catholic faith, and to aid to this effect with our royal treasury whenever possible, and to receive information of such places where they should be founded and are necesary, and the ecclesiastical patronage of all our Indies belonging to us:

We command that there shall not be erected, instituted, founded, or maintained any cathedral parish church, monastery, hospital, or votive churches, or other pious or religious establishment without our express permission, as is provided in Law 1, title 2, and Law 1, title 3, of this book, notwithstanding any permission heretofore given by our viceroy or other ministers, which in this respect we revoke and make null, void, and of no effect.

By agreement at an early date between the Pope and the Crown of Spain, all tithes in the Indies were given by the former to the latter, and the disposition made by the King of the fund thus created is indicated by Law 1, title 16, book 1, which is as follows:

Whereas the ecclesiastical tithes from the Indies belong to us by apostolic concessions of the supreme pontiffs, we command the officials of our royal treasury of those provinces to collect and cause to be collected all tithes due and to become due from the crops and flocks of the residents in the manner in which it has been the custom to pay the same, and from the tithes the churches shall be provided with competent persons of good character to serve them and with all ornaments and things which may be necessary for divine worship, to the end that these churches may be well served and equipped, and we shall be informed of the provisions made, it pertaining to the worship of God, our Lord; this order shall be observed where the contrary has not already been directed by us in connection with the erection of churches.

That the condition of things existing by virtue of the Laws of the Indies was continued to the present time is indicated by the royal order of the 31st of January, 1856, and by the royal order of the 13th of August, 1876, both relating to the construction and repair of churches, there being authority for saying that the latter order was in force in the Philippines.

This church, and other churches similarly situated in the Philippines, having been erected by the Spanish Government and under its direction, the next question to be considered is, To whom did these churches belong?

Title 28 of the third Partida is devoted to the ownership of things, and after discussing what can be called public property and what can be called private property, speaks, in Law 12, of those things which are sacred, religious, or holy. That law is as follows:

LAW 12.—*How sacred or religious things can not be owned by any person.*—No sacred, religious, or holy thing, devoted to the service of God, can be the subject of ownership by any man, nor can it be considered as included in his property holdings. Although the priests may have such things in their possession, yet they are not the owners thereof. They hold them thus as guardians or servants, or because they have the care of the same and serve God in or with them. Hence they were allowed to take from the revenues of the church and lands what was reasonably necessary for their support; the balance, belonging to God, was to be devoted to pious purposes, such as the feeding and clothing of the poor, the support of orphans, the marrying of poor virgins to prevent their becoming evil women because of their poverty, and for the redemption of captives and the repairing of the churches, and the buying of

chalices, clothing, books, and other things which they might be in need of, and other similar charitable purposes.

And then taking up for consideration the first of the classes into which this law has divided these things, it defines in Law 13 consecrated things. That law is as follows:

Sacred things, we say, are those which are consecrated by the bishops, such as churches, the altars therein, crosses, chalices, censers, vestments, books, and all other things which are intended for the service of the church, and the title to these things can not be alienated, except in certain specific cases, as we have already shown in the first partida of this book by the laws dealing with this subject. We say further that even where a consecrated church is razed, the ground upon which it formerly stood shall always be consecrated ground. But if any consecrated church should fall into the hands of the enemies of our faith it shall there and then cease to be sacred as long as the enemy has it under control, although once recovered by the Christians, it will again become sacred, reverting to its condition before the enemy seized it and shall have all the rights and privileges formerly belonging to it.

That the principles of the Partidas in reference to churches still exist is indicated by Sanchez Roman, whose work on the civil law contains the following statement:

First group. Spiritual and corporeal or ecclesiastical. A. Spiritual.—From early times distinction has been made by authors and by law between things governed by divine law, called divine, and those governed by human law, called human, and although the former can not be the subject of civil, juridical relations, their nature and species should be ascertained either to identify them and exclude them from such relations or because they furnish a complete explanation of the foregoing tabulated statement, or, finally, because the laws of the partidas deal with them.

Divine things are those which are either directly or indirectly established by God for his service and sanctification of men, and which are governed by divine or canonical laws. This makes it necessary to divide them into spiritual things, which are those which have a direct influence on the religious redemption of man, such as the sacrament, prayers, fasts, indulgences, etc., and corporeal or ecclesiastical, which are those means more or less direct for the proper religious salvation of man.

7. *First group. Divine things. B. Corporeal or ecclesiastical things (sacred, religious, holy, and temporal, belonging to the church).*—Corporeal or ecclesiastical things are so divided.

(*a*) Sacred things are those devoted to God, religion, and worship in general, such as temples, altars, ornaments, etc. These things can not be alienated except for some pious purpose and in such cases as are provided for in the laws, according to which their control pertains to the ecclesiastical authorities, and in so far as their use is concerned, to the believers and the clergy. (2 Derecho Civil Español, Sanchez Roman, p. 480; 8 Manresa, Commentaries on the Spanish and Civil Code, p. 636; 3 Alcubilla, Diccionario de la Administración Española, p. 486.)

The Partidas defined minutely what things belonged to the public in general and what belonged to private persons. In the first group churches are not named. The present Civil Code declares in article 338 that property is of public or private ownership. Article 339, which defines public property, is as follows:

Property of public ownership is—

1. That destined to the public use, such as roads, canals, rivers, torrents, ports, and bridges constructed by the State, and banks, shores, roadsteads, and that of a similar character.

2. That belonging exclusively to the State without being for public use and which is destined to some public service, or to the development of the national wealth, such as walls, fortresses, and other works for the defense of the territory, and mines, until their concession has been granted.

The code also defines the property of provinces and of pueblos, and in defining what property is of public use, article 344 declares as follows:

> Property for public use in provinces and in towns compromises the provincial and town roads, the squares, streets, fountains, and public waters, the promenades, and public works of general service supported by the said towns or provinces.
>
> All other property possessed by either is patrimonial, and shall be governed by the provisions of this code, unless otherwise prescribed in special laws.

It will be noticed that in neither one of these articles is any mention made of churches. When the Civil Code undertook to define those things in a pueblo which were for the common use of the inhabitants of the pueblo, or which belonged to the State, while it mentioned a great many other things, it did not mention churches.

It has been said that article 25 of the Regulations for the Execution of the Mortgage Law indicates that churches belong to the State and are public property. That article is as follows:

> There shall be excepted from the record required by article 2 of the law:
>
> First. Property which belongs exclusively to the eminent domain of the State, and which is for the use of all, such as the shores of the sea, islands, rivers and their borders, wagon roads, and roads of all kinds, with the exception of railroads; streets, parks, public promenades, and commons of towns, provided they are not lands of common profit to the inhabitants; walls of cities and parks, ports, and roadsteads, and any other analogous property during the time they are in common and general use, always reserving the servitude established by law on the shores of the sea and borders of navigable rivers.
>
> Second. Public temples dedicated to the Catholic faith.

A reading of this article shows that so far from proving that churches belong to the State and are for the use of all, it proves the contrary, for, if they had belonged to the State, they would have been included in the first paragraph instead of being placed in a paragraph by themselves.

The truth is that, from the earliest times down to the cession of the Philippines to the United States, churches and other consecrated objects were considered outside of the commerce of man. They were not public property, nor could they be subjects of private property in the sense that any private person could be the owner thereof. They constituted a kind of property the distinctive characteristic of which was that it was devoted to the worship of God.

But, being material things, it was necessary that some one should have the care and custody of them and the administration thereof, and the question occurs, To whom, under the Spanish law, was intrusted that possession and administration? For the purposes of the Spanish law there was only one religion. That was the religion professed by the Roman Catholic Church. It was for the purposes of that religion and for the observance of its rites that this church and all other churches in the Philippines were erected. The possession of the churches, their care and custody, and the maintenance of religious worship therein were necessarily, therefore, intrusted to that body. It was, by virtue of the laws of Spain, the only body which could under any circumstances have possession of, or any control over, any church dedicated to the worship of God. By virtue of those laws this possession and right of control were necessarily exclusive. It is not necessary or important to give any name to this right of possession

and control exercised by the Roman Catholic Church in the church buildings of the Philippines prior to 1898. It is not necessary to show that the church as a judicial person was owner of the buildings. It is sufficient to say that this right to the exclusive possession and control of the same for the purposes of its creation existed.

The right of patronage existing in the King of Spain with reference to the churches in the Philippines did not give him any right to interfere with the material possession of these buildings.

Title 6 of book 1 of the Compilation of the Laws of the Indies treats of "Del Patronazgo Real de las Indians." There is nothing in any one of the fifty-one laws which compose this title which in any way indicates that the King of Spain was the owner of the churches in the Indies because he had constructed them. These laws relate to the right of presentation to ecclesiastical charges and offices. For example, Law 49 of the title commences as follows:

> Because the patronage and right of presentation of all archbishops, bishops, dignitaries, prebends, curates, and doctrines and all other benefices and ecclesiastical offices whatsoever belong to us, no other person can obtain or possess the same without our presentation as provided in Law 1 and other laws of this title.

Title 15 of the first Partida treats of the right of patronage vesting in private persons, but there is nothing in any one of its fifteen laws which in any way indicates that the private patron is the owner of the church.

When it is said that this church never belonged to the Crown of Spain, it is not intended to say that the Government had no power over it. It may be that by virtue of that power of eminent domain which necessarily resides in every government, it might have appropriated this church and other churches, and private property of individuals. But nothing of this kind was ever attempted in the Philippines.

It therefore follows that in 1898, and prior to the treaty of Paris, the Roman Catholic Church had by law the exclusive right to the possession of this church, and it had the legal right to administer the same for the purposes for which the building was consecrated. It was then in the full and peaceful possession of the church with the rights aforesaid. That these rights were fully protected by the treaty of Paris is very clear. That treaty, in article 8, provides, among other things, as follows:

> And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

It is not necessary, however, to invoke the provisions of that treaty. Neither the Government of the United States, nor the Government of these Islands, has ever attempted in any way to interfere with the rights which the Roman Catholic Church had in this building when Spanish sovereignty ceased in the Philippines. Any interference that has resulted has been caused by private individuals, acting without any authority from the Government. Against such interference by private persons with the rights of others redress is given

in the courts of justice without reference to the provisions of the treaty of Paris.

No point is made in the brief of the appellant that any distinction should be made between the church and the convent. The convent undoubtedly was annexed to the church and, as to it, the provisions of Law 19, title 2, book 1, of the Compilation of the Laws of the Indies would apply. That law is as follows:

> We command that the Indians of each town or barrio shall construct such houses as may be deemed sufficient, in which the priests of such towns or barrios may live comfortably adjoining the parish church of the place where they may be built, for the benefit of the priests in charge of such churches and engaged in the education and conversion of their Indian parishioners, and they shall not be alienated or devoted to any other purpose.

The evidence in this case makes no showing in regard to the cemetery. It is always mentioned in connection with the church and convent, and no point is made by the appellant that if the plaintiff is entitled to recover the possession of the church and convent he is not also entitled to recover possession of the cemetery. So, without discussing the question as to whether the rules applicable to churches are in all respects applicable to cemeteries, we hold for the purpose of this case that the plaintiff has the same right to the cemetery that he has to the church.

(4) It is suggested by the appellant that the Roman Catholic Church has no legal personality in the Philippine Islands. This suggestion, made with reference to an institution which antedates by almost a thousand years any other personality in Europe, and which existed "when Grecian eloquence still flourished in Antioch. and when idols were still worshiped in the temple of Mecca," does not require serious consideration. In the preamble to the budget relating to ecclesiastical obligations, presented by Montero Rios to the Cortes on the 1st of October, 1871, speaking of the Roman Catholic Church, he says:

> Persecuted as an unlawful association since the early days of its existence up to the time of Galieno, who was the first of the Roman emperors to admit it among the juridical entities protected by the laws of the Empire, it existed until then by the mercy and will of the faithful and depended for such existence upon pious gifts and offerings. Since the latter half of the third century, and more particularly since the year 313, when Constantine, by the edict of Milan, inaugurated an era of protection for the church, the latter gradually entered upon the exercise of such rights as were required for the acquisition, preservation, and transmission of property the same as any other juridical entity under the laws of the Empire. (3 Dictionary of Spanish Administration, Alcubilla. p. 211. See also the royal order of the 4th of December, 1890, 3 Alcubilla, 189.)

The judgment of the court below is affirmed, with the costs of this instance against the appellant. After the expiration of twenty days from the date hereof let judgment be entered in accordance herewith, and ten days thereafter the record will be remanded to the court below. So ordered.

Arellano, C. J., Torres, Mapa, and Tracey, JJ., concur.

Mr. Justice Johnson reserved his vote.

Judgment affirmed.

CARSON, J., concurring:

I am in entire accord with the majority of the court as to the disposition of this case, but I can not adopt the reasoning by which some of the conclusions appear to have been obtained, nor accept without reserve all of the propositions laid down in the majority opinion.

Profoundly as I respect the judgment of my associates, and distrustful as I ought to be of my own, the transcendent importance of the issues involved seems to impose upon me the duty of writing a separate opinion and stating therein as clearly as may be the precise grounds upon which I base my assent and the reasons which forbid my acceptance of the majority opinion in its entirety.

I accept the argument and authority of the opinion of the court in so far as it finds: That the Roman Catholic Church is a juridical entity in the Philippine Islands; that the defendant, Ramirez, can not and should not be permitted in this action to deny the plaintiff's right to the possession of the property in question, because he can not be heard to set up title thereto in himself or a third person, at least until he has first formally surrendered it to the plaintiff who intrusted it to his care; that the municipality of Lagonoy has failed to show by evidence of record that it is or ever was in physical possession of the property in question; and that the possession of the defendant, Ramirez, can not be relied upon as the possession of the municipality, because the same reason which estops Ramirez from denying the right of possession in the plaintiff estops any other person claiming possession through him from denying that right. I agree, furthermore, with the finding that the defendant municipality failed to establish a better right to the possession than the plaintiff in this action, because, claiming to be the owner by virtue of a grant from the Philippine government, it failed to establish the existence of such grant; and because, furthermore, it was shown that the plaintiff or his predecessors had been in possession and control of the property in question for a long period of years prior to the treaty of Paris by lawful authority of the King of Spain, and that since the sovereignty of these islands has been transferred to the United States the new sovereign has never at any time divested or attempted to divest the plaintiff of this possession and control.

Thus far I am able to accept the reasoning of the majority opinion, and these propositions, supported as they are by the law and the evidence in this case, completely dispose of the question before us and establish the right of the plaintiff to a judgment for possession.

I am not prepared, however, to give my assent to the proposition that prior to the treaty of Paris "The King of Spain was not the owner of the property in question nor of any other property like it situated in the Philippine Islands," and inferentially that the United States is not now the owner thereof and has no property rights therein other than, perhaps, the mere right of eminent domain.

I decline to affirm this proposition, first, because it is not necessary in the decision of this case; and second, because I am of opinion that, in the unlimited and unrestricted sense in which it is stated in the majority opinion, it is inaccurate and misleading, if not wholly erroneous.

That it is not necessary for the proper disposition of this case will be apparent if we consider the purpose for which it is introduced in the argument and the proposition which it is intended to controvert. As stated in the majority opinion, the claim of ownership of the defendant municipality—

is rested upon the following propositions: That the property in question belonged, prior to the treaty of Paris, to the Spanish Government; that by the treaty of Paris the ownership thereof passed to the Government of the United

States; that by article 12 of the act of Congress of July 1, 1902, such property was transferred to the government of the Philippine Islands, and that by a circular of that government dated November 11, 1902, the ownership and the right to the possession of this property passed to the municipality of Lagonoy.

It is evident that if any one of these propositions is successfully controverted, the defendants' claim of ownership must fall to the ground. The majority opinion finds (and I am in entire accord as to this finding) that neither the Government of the United States nor the Philippine government has ever made, or attempted to make, such transfer, and in making this finding it completely, conclusively, and finally disposes of defendants' claim of ownership.

All the acts of the Government of the United States and of the present government of the Philippine Islands which can have any relation to the property in question are before us, and so short a period of years has elapsed since the transfer of the sovereignty of these Islands to the United States that it is possible to demonstrate with the utmost certainty that by no act of the United States or of the government of the Philippine Islands has the ownership and possession of this property been conferred upon the defendant municipality; it is a very different undertaking, however, to review the legislation of Spain for the three centuries of her Philippine occupation for the purpose of deciding the much-vexed question of the respective property rights of the Spanish sovereign and the Roman Catholic Church in State-constructed and State-aided churches in these Islands; and if I am correct in my contention that a holding that the "King of Spain was not," and, inferentially, that the Government of the United States is not, "the owner of this property or any other property like it situated in the Philippine Islands" is not necessary for the full, final, and complete determination of the case at bar, then I think that this court should refrain from making so momentous a finding in a case wherein the United States is not a party and has never had an opportunity to be heard.

But the mere fact that a finding that the King of Spain had no right of ownership in this property which could pass to the United States under the provisions of the treaty of Paris, is not necessary in my opinion for the disposition of the case at bar, would not impose upon me the duty of writing a separate opinion if it were in fact and at law a correct holding. I am convinced, however, that when stated without limitations or restrictions, as it appears in the majority opinion, it is inaccurate and misleading, and it may not be improper, therefore, to indicate briefly my reasons for doubting it.

As stated in the majority opinion, "it does not admit of doubt that the parish churches in the Philippines were built by the Spanish Government," and it would seem therefore that prior to their dedication the beneficial ownership, the legal title, the possession and control of all this property must be taken to have been vested in that Government. But it must be admitted that after this property was dedicated the ownership, in contemplation of Spanish law, was said to have been in God, and there can be no doubt that the physical possession and control of these churches for the purposes for which they were dedicated was given to the Roman Catholic Church—not, as I think, absolutely and conclusively, but limited by and subject to the royal
ge (patronato real) which included the right to intervene in
pintment of the representatives of the church into whose hands
ession and control of the sacred edifices were to be intrusted.

The anomalous status thus created might well have given rise to doubts and uncertainties as to the legal title and beneficial ownership of this property had not the grantor and the lawgiver of Spain expressly and specifically provided that neither the Roman Catholic Church, nor any other person, was or could become the owner thereof, and that all these sacred edifices were to be regarded as beyond the commerce of men.

No sacred, religious, or holy thing, devoted to the service of God, can be the subject of ownership by any man, nor can it be considered as included in his property holdings. Although the priests may have such things in their possession, yet they are not the owners thereof. They hold them thus as guardians or servants, or because they have the care of the same and serve God in or with them. Hence they were allowed to take from the revenues of the church and lands what was reasonably necessary for their support; the balance, belonging to God, was to be devoted to pious purposes, such as the feeding and clothing of the poor, the support of orphans, the marrying of poor virgins to prevent their becoming evil women because of their poverty; and for the redemption of captives and the repairing of the churches, and the buying of chalices, clothing, books, and other things which they might be in need of, and other similar charitable purposes. (Law XII, Title 28, Third Partida.)

It is difficult to determine, and still more difficult to state, the precise meaning and legal effect of this disposition of the ownership, possession, and control of the parish churches in the Philippines; but since it was not possible for God, in any usual or ordinary sense to take or hold, to enforce or to defend the legal title to this property, it would seem that a grant to Him by the King or the Government of Spain could not suffice to convey to Him the legal title of the property set out in the grant, and the truth would seem to be that the treatment of this property in contemplation of Spanish law as the property of God was a mere arbitrary convention, the purpose and object of which was to crystallize the status of all such property in the peculiar and unusual mold in which it was cast at the time of its dedication.

So long as church and state remained united and so long as the Roman Catholic Church continued to be the church of the State, this convention served its purpose well; indeed, its very indefiniteness seems to have aided in the accomplishment of the end for which it was adopted, and on a review of all the pertinent citations of Spanish law which have been brought to my attention, I am satisfied that the status created by the above-cited Law XII of the Partidas continued without substantial modification to the date of the transfer of sovereignty from the King of Spain to the United States. But this transfer of sovereignty, and the absolute severance of church and State which resulted therefrom, render it necessary to ascertain as definitely as may be the true meaning and intent of this conventional treatment of the parish churches in the Philippines as the property of God, and it is evident that for this purpose we must look to the substance rather than the form, and examine the intention of the grantor and the object he sought to attain, rather than the words and conventional terms whereby that intent was symbolically expressed.

It is not necessary to go beyond the citations of the majority opinion to see that the objects which the grantor sought to attain were, first, and chiefly, to advance the cause of religion among the people of the Philippine Islands and to provide for their religious

instruction and edification by furnishing them with parish churches suitable for the worship and glorification of God; second, to place those sacred edifices under the guardian care and custody of the church of the State; and, third, to deny to that church and to all others the right of ownership in the property thus dedicated; and since God could neither take nor hold the legal title to this property, the declaration of the King of Spain as set out in the above-cited law, that when dedicated these churches became in some peculiar and especial manner the property of God, was, in effect, no more than a solemn obligation imposed upon himself to hold them for the purposes for which they were dedicated, and to exercise no right of property in them inconsistent therewith.

This declaration that these churches are the property of God and the provisions which accompanied it, appear to me to be precisely equivalent to a declaration of trust by the grantor that he would hold the property as trustee for the use for which it was dedicated—that is, for the religious edification and enjoyment of the people of the Philippine Islands—and that he would give to the Roman Catholic Church the physical possession and control thereof, including the disposition of any funds arising therefrom, under certain stipulated conditions and for the purposes expressly provided by law. In other words, the people of the Philippine Islands became the beneficial owners of all such property, and the grantor continued to hold the legal title, in trust nevertheless to hold the property for the purposes for which it was dedicated and on the further trust to give the custody and control thereof to the Roman Catholic Church. If this interpretation of the meaning and intent of the convention of Spanish law which treated God as the owner of the parish churches of the Philippine Islands be correct, a holding that the King of Spain had no right of ownership in this property which could pass to the United States by virtue of the treaty of Paris can not be maintained; and it is to withhold my assent from this proposition that I have been compelled to write this separate opinion.

For the purposes of this opinion it is not necessary, nor would it be profitable, to do more than indicate the line of reasoning which has led me to my conclusions, nor to discuss at length the question of ownerhip of this property, because whether it be held to be in abeyance or in God or in the Roman Catholic Church or in the United States it has been shown without deciding this question of ownership that the right to the possession for the purpose for which it was dedicated is in the Roman Catholic Church, and while the complaint in this action alleges that the Roman Catholic Church is the owner of the property in question, the prayer of the complaint is for the possession of this property of which it is alleged that church has been unlawfully deprived; and because, furthermore, if I am correct in my contention that the legal title to the State-constructed churches in the Philippines passed to the United States by virtue of the treaty of Paris, it passed, nevertheless, subject to the trusts under which it was held prior thereto, and the United States can not at will repudiate the conditions of that trust and retain its place in the circle of civilized nations; and as long as this property continues to be used for the purposes for which it was dedicated, the Government of the United States has no lawful right to deprive the Roman Catholic Church of the possession and con-

trol thereof under the terms and conditions upon which that possession and control were originally granted.

Judgment affirmed.

[No. 2842. November 24, 1906.]

The Roman Catholic Apostolic Church and Lorenzo Gregorio, plaintiffs and appellees, *v.* Leonardo Santos et al., defendants and appellants.

1. *Church property; possession and occupancy.*—Barlin *v.* Ramirez, No. 2832, decided November 24, 1906, followed to the effect that the Roman Catholic Church is entitled to the possession of the church in controversy.

2. *Id.; id.; evidence.*—*Held*, That the evidence in the case does not show the existence of a cofradia in which was vested the ownership of the property in question.

3. *Id.; id.; id.*—The existence of an hermano mayor who had charge of the property is not sufficient to prove the existence of a cofradia.

Appeal from a judgment of the court of First instance of Rizal.

The facts are stated in the opinion of the court.

Ledesma, Sumulong & Quintos, for appellants.

Hartigan, Rhode & Gutierrez, for appellees.

WILLARD, *J.*: The plaintiffs brought this action to recover the possession of a chapel and the convent annexed thereto situated in the barrio of Concepción, in the pueblo of Tanbobong, in the Province of Rizal. It is stated in a document presented by the defendants that a chapel had existed on this site for more than one hundred years. The court below made the folowing finding of fact:

Tercero. Que desde tiempo immemorial hasta el año de 1902 dicha capilla ha sido destinada constantemente á las ceremonias del culto de la religión Católica Apostólica Romana habiendo sido invariables sacerdotes católicos apostólicos romanos los únicos que en ella decían misa y ejercían el ministerio de la predicación y la administración de los sacramentos del bautismo y de la confesión hasta el mes de diciembre de 1902 en que la comunion aglipayana celebrós sus cultos en dicha visita y entró en posesión de la misma hasta la fecha.

The evidence, as well of the plaintiffs as of the defendants, supports the finding, and there is no evidence whatever to the contrary.

The buildings standing upon the site in question were destroyed by an earthquake in 1880 and their reconstruction was at once commenced and completed within a few years. The work of reconstruction was performed and the materials therefor furnished by the inhabitants of the barrio. One witness for the plantiffs, Blas Marcelo, describes in detail the manner of construction, specifying the names of the persons who contributed to the erection of particular parts of the buildings, and of persons who donated ornaments and other articles for the use of the church. The witnesses for the defendants, with one exception, all stated, when asked who the owner of the chapel was, that it was owned by the people of the barrio. After its construction it was maintained and repairs were made thereon by the contributions of the Roman Catholics living in the barrio and pueblo. On the 26th of November, 1902, forcible possession of the chapel was taken by representatives of the Independent Filipino Church, and since that time worship therein has been in accordance with the rites of that church. What proportion of the people of the barrio belong to the Independent Church and what proportion belong to the Roman Catholic Church does not appear. There was, however, presented in evidence by the plaintiffs a document signed by 134 persons, in which they stated that their desire was that the chapel should be used for the purposes of the religion professed by the Roman Catholic Church.

That this building is a church, is consecrated as such, and was used, occupied, and possessed by the Roman Catholic Church, as a corporation, from the earliest times down to November, 1902, is clearly established by the evidence. This case is therefore ruled by what has been decided in the case of Barlin *v.* Ramirez (5 Off. Gaz., 130). To the authorities mentioned in that case may be added the following statement by the Supreme Court of the United States in the case of the Mormon Church *v.* The United States (136 U. S., at p. 53):

By the Spanish law, whatever was given to the service of God became incapable of private ownership, being held by the clergy as guardians or trustees; and any part not required for their own support, and the repairs, books, and furniture of the church, was devoted to works of piety, such as feeding and clothing the poor, supporting orphans, marrying poor virgins, redeeming captives, and the like. (Partida 3, tit. 28, 11, 12–15.) When the property was given for a particular object, as a church, a hospital, a convent, or a community, etc., and the object failed, the property did not revert to the donor or his heirs, but devolved to the Crown, the church, or other convent community, unless the donation contained an express condition in writing to the contrary. (Tapia, Febrero Novisimo, lib. 2, tit. 4, cap. 24–26.)

It follows that the Roman Catholic Church is entitled to the exclusive possession and occupancy of the property mentioned in the complaint.

The principal claim set up by the defense in its brief is that there existed, and still exists, in the barrio of Concepción a cofradia: that this confradia was and is a juridical entity; that is constructed this church building and convent, has always had the possession thereof, and has always been and now is the owner thereof, and that among the defendants in this section is the hermano mayor, an officer of the cofradia, who is charged with the administration of its affairs.

The proof does not sustain this claim. No evidence of any kind was presented to show the formation of this alleged cofradia in the manner pointed out by the laws existing prior to the treaty of Paris. No document setting forth the organization of the cofradia or its purposes or objects was introduced, nor does the parol evidence presented at the trial show any of these things. A great many witnesses were examined both for the plaintiffs and for the defendants. With the exception of Angel Luna, the last witness for the defense, no one of them mentions the existence of this cofradia. Several of them were asked if there existed a cofradia or hermandad among the unbaptized Chinese in the town, but no one of the witnesses, even of the defendants, with the exception of Luna, testified to the existence of a cofradia such as is referred to in the brief of the appellants. The last witness presented by the defendants, Angel Luna, made use of the word "confradia." The following questions were asked him and the following answers were given by him in reference thereto:

A. ¿Qué es lo quo constituye esa cofradia que V. dice?—T. Creo que es la reunión de los vecinos entre ellos los hermanos mayores que son los que tienen la representación de los del barrio.

A. ¿Qué fundamento tiene V. para creer que esos representan los intereses del barrio de la Concepción?—T. Porque son los que me han nombrado hermano mayor.

A. ¿Quiénes eran los que le han nombrado á V. heramno mayor?—T. Don Martín Esguerra, Manuel Tuason, Lino Páez, y varios vecinos que no puedo mencionarlos in este momento, más ó menos cincuenta vecinos, todos del barrio de la Concepción tomaron parte en la junta que me eligió en los cuales firmaron en el acto de mi nombramiento que no lo he trafdo aquí pero lo tengo en mi casa.

A. ¿Y á esta junta llama V. la cofradia el barrio de la Concepción?—T. Sí señor.

The memorandum to which he refers is dated the 2d day of October, 1902. It recites, among other things, that the church and convent were erected by the hermanos mayores or cofradia, but it will be noticed that this document was drawn up in October, 1902, after difficulties had arisen between the Roman Catholic Church, and its recitals are therefore entitled to no weight. The evidence does not show that there ever existed in the barrio any such organization as a cofradia.

All of the witnesses, however, both of the plaintiffs and of the defendants, testified that there was a person called the hermano mayor (eldest brother) and that he was charged with the supervision of the building, keeping the keys thereof, the collection of the contributions, the making of repairs, and the arrangements for the celebration of the fiesta of the barrio. As to the way in which he was elected the witnesses differ. Some of the witnesses for the defendants say he was elected by the people of the barrio; others that he was elected by the ex-hermanos mayores; others that he was elected by the principal contributors to the maintenance of the church; but in whatever way he was elected, it is very apparent from the evidence that the existence of such a functionary in no way proves the existence of a juridical entity, such as a cofradia, in which was based the legal title to this property. He was rather the representative of the barrio than the representative of a cofradia; in fact many of the witnesses for the witnesses testified that the church was owned by the barrio, represented by the hermano mayor. The necessity for some such person is apparent when it is considered that these buildings constituted a vista or hermita which had no resident priest. From time immemorial the vista or chapel had been administered by the parish priest of Tambobong, who did not reside, of course, in the barrio. There being no resident priest, it was necessary that some person resident in the barrio should be charged with the care of the buildings and in this case that person was called the hermano mayor.

The defendants in their answer set up the defense of res adjudicata, and alleged that in a former suit between the same parties concerning the possession of these buildings a final judgment had been rendered in favor of the defendants, which still remained in force. At the trial, however, they offered no evidence in support of these allegations of their answer.

The judgment of the court below is affirmed, with the costs of this instance against the defendants.

After the expiration of twenty days let judgment be entered in accordance herewith and ten days thereafter let the record be remanded to the court below for proper action. So ordered.

Arellano, C. J. Torres, Mapa, Carson, and Tracey, J. J., concur.

Johnson, J., reserves his vote.

Judgment affirmed.

The CHAIRMAN. Gentlemen, we will begin the final consideration of this proposition on Monday next at 10 o'clock a. m. I hope that the members of the committee will be here as promptly as possible.

(At this point the committee adjourned until 10 o'clock a. m. of Monday, January 27, 1908.)

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 696, Part 2.

CATHOLIC CHURCH CLAIMS IN THE PHILIPPINE ISLANDS.

FEBRUARY 14, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JONES, of Virginia, from the Committee on Insular Affairs, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany H. R. 16143.]

The undersigned members of the Committee on Insular Affairs, to which was referred House bill 16143, entitled "A bill to provide for the payment of the claims of the Roman Catholic Church in the Philippine Islands," being unable to concur either in the propositions of law enunciated in the report accompanying this bill or in the conclusions sought to be drawn therefrom, and believing that no sound public policy is to be subserved by the appropriation by Congress of a considerable portion of the amount recommended in this report, even if it were definitely and certainly ascertained to whom any part of it should be paid, are constrained, for the reasons herein advanced, to withhold their assent thereto.

The churches and the church property for the use and occupation of, the spoliation and injury to, and, in some instances, the destruction of which it is sought to hold the United States responsible, are located in various villages and towns scattered over many of the provinces and islands of the Philippine Archipelago, and are more than four hundred in number. The cathedral of Manila is one of the church edifices involved, and some of the others are to be found in each of the five Catholic dioceses of the islands.

Prior to American occupation of the Philippine Islands the Roman Catholic Church was the only church permitted there, and its relations to the Spanish Government were so close and intimate as to cause the one to be inseparable from the other in the popular mind. At that time most of the parish churches and conventos were occupied by friars, and the influence wielded by these parish priests was far greater than that of the secular representatives of the Government. Many causes had contributed to the popular disfavor into which these friars had fallen long prior to the insurrection against American rule, the principal and most disturbing one being of an

agrarian character relating to the acquisition and holding of large bodies of the best agricultural lands, estimated at one-tenth of all the improved lands in the islands, by the Dominicans, Recolitos, and Augustinians, three of the four friar orders in the Philippines. During the continuance of open hostilities to the United States most of these priests were driven into Manila, as many as 60, perhaps, being killed, and five times that number imprisoned. Secretary Taft testified that "the feeling with respect to them—not as against the church, but against them as political quantities—was so bitter that it was very dangerous for them to go out into the parishes at all." As a natural result of the intense bitterness manifested against these Spanish friars, who, it was believed, had dispossessed and robbed them of their homes, and who were recognized as the representatives of Spain, a serious schism was brought about in the church, and there are now two branches of the same church, the one embracing a large majority of all the Catholics of the islands and calling itself the Independent Philippine Catholic Church, and the other styled the Roman Catholic Apostolic Church.

The Independent Catholic Church, of which Archbishop Gregario Aglipay, who prior to the insurrection was a native priest, is the acknowledged head, observes all of the rites, ceremonies, and festivals of the Roman Catholic Church, and differs with that organization only in the fact that it does not acknowledge the control of the Vatican. It is claimed for the Independent Catholic Church that it has more than 250 priests and 20 bishops; that it has a number of seminaries located at various points in the islands, and that it has a membership of 4,000,000 souls. Its opponents do not concede that its membership is so large, and sometimes place it at 3,000,000, or even less; but Bishop Brent of the Episcopal Church, who has resided at Manila for a number of years, and than whom there can probably be found no higher authority, has, it is reported, but recently estimated the membership of this branch of the church at 4,000,000. It can be most conservatively and safely said that it outnumbers the membership of the Roman Catholic Church two to one, and that in many of the parishes the priests, and all those who hold the Catholic faith, have identified themselves with the Independent Catholic Church.

It is not maintained on the part of the Roman Catholic Church that it can show any legal title to the churches and other property for damages to which payment is asked from the United States. Whatever claim that branch of the Catholic Church in the Philippines may have to the ownership of the 600 or 700 church edifices, one of which is to be found in every village in the civilized portions of the archipelago, is concededly purely equitable in character. As to where the title to this church property actually resides, and as to who in justice and equity is entitled to its occupancy and use for religious purposes, it would be premature, and, in our opinion, improper at this time to express an opinion. It is sufficient to say that the Independent Catholic Church, commonly known as the Aglipayans, have never set up a claim to the actual ownership of it. Their contention is that as a matter of strict law these church properties belong, under the terms of the Treaty of Paris, to the United States as the successor of Spain, and that they should be held in trust for and be used by the Catholic people of the communities where they are

situated for religious purposes. There is no question but that these churches, and other church buildings, were erected under the direction of the Government of Spain upon government property. The people supplied the labor, in most instances enforced labor, and contributed the taxes which went into the construction of these churches, and it does not seem to us unnatural or unreasonable that those who built them should assert their right to use them for purposes of religious worship. They were without exception erected upon government land, and in most, if not in all, cases one-third of the moneys that were used in their construction came out of the general treasury of the Government, one-third out of local funds kept in the central treasury, and the remaining one-third consisted of contributions of money and labor made by the individual members of the church. The crown of Spain exercised supreme control over the whole of this property.

It is manifestly right and proper that the disputed claim to the ownership, as well as to the occupancy and possession, of this vast property should be definitely and finally settled before any question as to the liability of the United States for damages done to it can be passed upon by the Congress. If the property in dispute passed to the United States as the successor of Spain, as is earnestly maintained by many lawyers and publicists of ability and eminence who have carefully examined the subject, then unquestionably no liability for damages attaches to the United States. Until it is decided by the supreme court of the Philippine Islands, the only tribunal competent to decide the question, since upon it has been conferred by special act the sole and exclusive right to determine to whom this property belongs, and, therefore, to whom damages, if the United States is liable for any, shall be paid, it is manifestly improper, in our opinion, for Congress to pass such a measure as is proposed in the bill accompanying this report. That the present Secretary of War, the Hon. William H. Taft, when civil governor of the Philippines, entertained a similar opinion will be amply demonstrated by a reading of the executive order issued by him on January 10, 1903. That order, intended to protect those in actual possession of these properties, to preserve the status quo of the same until all disputed questions relating to their ownership and possession could be judicially determined, was, in our opinion, a wise, just, and most humane one, and unless expressly revoked must now perforce be operative. This order is in these words:

OFFICE OF THE CIVIL GOVERNOR OF THE PHILIPPINE ISLANDS,
Manila, P. I., January 10, 1903.

Señor ——— ———,
Governor of the province of ———.

MY DEAR SIR: The schism in the Roman Catholic Church and the establishment and organization of an independent Filipino Catholic Church, because of the zeal and heat which frequently accompanies religious discussion, and especially because of the conflicting claims in respect to church property, may result in attempts at dispossession of those in charge of the churches and consequent disorder and disturbance of the peace. I have thought it necessary, therefore, to write you a letter calling your attention, and through you that of the municipal presidentes, to the functions which it is proper for civil executives to discharge with respect to religious controversies involving disputes over property. The policy of complete separation of church and state is enjoined upon those who serve under the American sovereignty. This does not mean that officers of the state as individuals may not attend church and may not take an interest in religious controversies, and may not aid the churches

of which they are members, but it does mean that no officer of the Government has the right to use his official position or the authority which he exercises as an official to further the interests of the church of which he is a member as against the rights and claims of other churches to which he may be opposed in his religious views. In these islands it is difficult for the man to separate himself from the office in the eyes of the people, and I therefore extend a word of caution to you and to the municipal presidentes of your province against making yourselves so prominent in the religious controversies to which I have referred on one side or the other that charges may be made against you that you are using your official influence and exercising your official authority in favor of either the Roman Catholic Church or the Filipino Catholic Church.

You should as far as possible as an official pursue a line of conduct absolutely impartial between the two conflicting parties and you should only intervene as officials whenever the public peace is disturbed and must be restored and conserved. To deal justly with all individual interests should be the pride of every government, and the capacity of a people for self-government may be largely measured by the ability and courage of their elective officers to do justice in the face of clamor or passion or prejudice of some of those who elect them. No controversy so arouses the participants to passion as that which grows out of religious differences, and if peace can be maintained where the people of a country divide under a new schism into two religious bodies without violence, it speaks volumes for the law-abiding character of the people and for the capacity and ability of their self-chosen officers, I urge upon you, therefore, and upon the municipal presidentes over whom you so worthily exercise supervisory and disciplinary authority, to use your every effort now and in the months to come to prevent the religious schism that exists in parts of the islands from resulting in any disturbance of the peace.

Again, let me call your attention to one phase of the schism which is most important, and that is as to the possession of churches and conventos. Executive officers have no function whatever to perform in respect to the determination of the question who owns private property. The questions of ownership of title, and even the right of possession, are questions to be decided by courts which are open to all parties in interest for the purpose of settling just such questions. The only function of the executive is to see to it that the peace is not disturbed by attempts on the part of one not in possession forcibly or by fraud to disturb another in the possession of property and to deprive him of it. Where, therefore, the priest or other representative of the Roman Catholic Church shall be in possession, representing his church, it is not your function to decide that the people of the town who, because they may have assisted in building the church, believe themselves to be the owners of the church may oust him and may let the priest of the Independent Filipino Catholic Church into possession. Whatever you may think of the merits of such a question, it is your duty to preserve the possession of the Roman Catholic priest or representative by arresting any person who attempts forcibly to dispossess him or actually succeeds in doing so, and allow the priest or representative having had peaceable possession to resume it; but beyond this you can not go. Such rights as the people of a town may have either to ownership or possession of the church property must be asserted in the courts. They can not assert such rights by force.

On the other hand, should a priest in possession leave the Roman Catholic communion, and, retaining possession of the church property, allow it to be used for the service and ceremonies of the Filipino Church, it is not for you to decide that this is an unlawful act and to seek to remedy it by dispossessing him of the church, because the change which is effected is not effected by a disturbance of the peace, and the remedy for the wrong done, if it be wrong, can only be had in the courts organized to decide such questions. You must respect the person in peaceable possession, and you must protect him against forcible dispossession, no matter how lawful or equitable, in your opinion, are the claims to the property on the part of the attempted dispossessor. If he has a lawful right, he can have it vindicated in court. He can not be permitted to take the law into his own hands. To allow him to do so would be to produce riot and confusion throughout these islands. The question is one of actual possession, not of constructive possession. Indeed, the question, so far as you and the presidentes are concerned, is one really not of possession at all, but of the disturbance of the peace.

Should any priest or other person in charge of a church or convent notify a presidente that he has reasonable ground to suspect that an attempt will be made to dispossess him, the presidente should detail policemen to maintain him in his possession and prevent an assault or forcible dispossession. A failure on the part of the presidente with energy to protect peaceable possession of church property will be good cause for dismissal.

If the course which I have attempted to mark out for executive action be followed, the conflicting parties will be remitted to the courts to vindicate their rights, and the peace which is so absolutely essential to the welfare of the country and to the conduct of decent government will be fully preserved.

With the confidence that you will observe the rules laid down in this letter and will see to it that your municipal presidentes do the same thing, I beg to subscribe myself,

Your very obedient servant and wellwisher,

WM. H. TAFT, *Civil Governor.*

That the title to church property in the Philippine Islands has, or ever could have, been judicially determined in any litigation involving it is most emphatically denied, and an examination of the opinions delivered in the case of Barlin *v.* Ramirez et al., set forth in full in the report of the majority of the Committee on Insular Affairs, will, we confidently believe, convince any lawyer who will take the pains to examine it that the possession and only the possession of the particular property involved in that case was determined. That nothing more could have by any possibility been decided will be clearly apparent, we believe, to anyone who will read the act of the Philippine government of July 24, 1905, constituting the supreme court of the Philippine Islands the tribunal to hear and judicially determine all "controversies between the Roman Catholic Apostolic Church and the Independent Filipino Church" as to disputed church property. The case, the title to which is given above, and which seems to be relied upon to establish what we believe to be the utterly baseless assertion that the supreme court of the Philippine Islands has decided that the title of all the Catholic Church property in the islands is in the Roman Catholic Church, was appealed from the court of first instance of the province of Ambos Camarines. The complaint, it is true, set forth that "the Roman Catholic Church was the owner of the church building," but the prayer of the complaint was that it be restored "to the possession thereof."

The whole text of the opinion of the court shows conclusively that the right to the possession of the property was the only question involved. In this case the defendant had been put in possession of the particular property, the right to the possession of which was in controversy, by the Roman Catholic Church, and the court held, in accordance with the familiar doctrine that a tenant shall be estopped from denying the title of his landlord, that the plaintiff was entitled to recover the possession. This was clearly the only question involved, and it was therefore the only one which could have been decided. When, then, it is contended that this case actually decided the title and ownership of the property which was the subject of controversy, the obvious and conclusive reply is that in so far as it may have undertaken to so decide its action was ultra vires. Whatever may have been said by the justice who delivered the opinion of the court, to the effect that the Roman Catholic Church, and not the United States as the successor of Spain, held the title to all the Catholic Church properties in the Philippines, was a mere obiter dictum and not binding upon anybody—certainly not binding upon the United States, which was not a party to the suit, even assuming for the sake of argument, what is most emphatically denied, that the supreme court of the Philippine Islands had jurisdiction in a case coming to it by appeal, as did this, to hear and determine a question involving the title to all the Catholic churches of the islands. Mr. Justice Carson, who agreed with the majority of the court as to

the disposition of the case, declined to accept some of the propositions laid down in the opinion of the majority, and filed a separate opinion. He argued, for reasons set forth by him, that "the right of the plaintiff to a judgment for possession" was clearly established, but he declared:

> I am not prepared, however, to give my assent to the proposition that prior to the treaty of Paris "The King of Spain was not the owner of the property in question nor of any other property like it situated in the Philippine Islands," and inferentially, that the United States is not now the owner thereof and has no property rights therein other than, perhaps, the mere right of eminent domain.
>
> I decline to affirm this proposition, first, because it is not necessary in the decision of this case; and second, because I am of opinion that, in the unlimited and unrestricted sense in which it is stated in the majority opinion, it is inaccurate and misleading, if not wholly erroneous.
>
> That it is not necessary for the proper disposition of this case will be apparent if we consider the purpose for which it is introduced in the argument and the proposition which it is intended to controvert.

Mr. Justice Johnson declined to subscribe to either opinion and reserved his vote. Of the five judges subscribing to the majority opinion, four are members of the Roman Catholic Church, and not one of the court is a member of the Independent Philippine Catholic Church, although three are Filipinos.

But the contention that this case decided the title and ownership of the church property located at Lagonoy, in the province of Ambos Camarines, and that it must therefore be accepted as a test case, and one that finally and irrevocably settles the title as to all the Catholic Church property in the Philippines in favor of the Roman Catholic Church is, in our opinion, finally and completely disposed of by the statute of the Philippine Commission, enacted under the authority of the United States, which took effect on the 24th of July, 1905, and which confers "original" jurisdiction upon the supreme court of the Philippines, and constitutes that court "the tribunal to hear and finally determine" all these church controversies, and which provides all the necessary legal machinery by which all the church properties in any one province may be embraced in a single petition and the title thereto determined. This act not only prescribes the court which shall hear cases involving both the title and the possession of church properties, and the procedure therein, but it by necessary implication deprives the courts of first instance of any right in them to entertain an action to try the title to churches or other property by declaring that it was not intended to take from any church, municipality, or person the privilege of instituting action in those courts "to recover the possession and control" of them. Realizing the great importance for an early settlement of these bitter church controversies, the act further provides that the actions therein provided for shall be "heard by the court as speedily as may be," and that they "shall be given precedence in their hearing over any other actions pending in said court." A copy of this act is filed herewith, and is printed as a part of these views. (Exhibit A, post.)

It is not to be presumed for a moment that the Philippine Commission, which enacted this legislation, did not know at the time of its enactment that the case of Barlin *v.* Romirez et al. had been decided in the court of first instance and that they were not fully informed as to the scope and effect of the decision. To maintain for an instant that this case, which could only have been decided in

one way, finally disposed of the burning and widespread controversy over the ownership of millions of dollars' worth of church property scattered all over the Philippines, is to seriously reflect upon the intelligence of the Philippine Commission. They most obviously did not regard it as a test case.

But if it be possible that we can be mistaken in our contention that the title to the church property in the Philippines has never been judicially determined, and that the necessity for the settlement of this momentous question is as urgent now as when Civil Governor Taft issued his executive order preserving the status quo until the whole question could be determined by the courts, and as needful as when the Philippine Commission by a special enactment provided the means for its settlement, the recommendation of the report, that the Congress shall pay to the Archibishop of Manila $403,030.19 in settlement of the claims of the Roman Catholic Church, can not be justified by anything to be found in the report and findings of the Hull board. The total amount awarded by the board was $363,030.19, and Colonel Hull himself testified that the board, of which he was the chairman, increased to the extent of from 12 to 15 per cent the estimates and findings of the army officers, who, by reason of their personal knowledge of the buildings occupied and injured, were called upon by the board for assistance in its work. In view, therefore, of the testimony of Colonel Hull, whose labors appear to have been performed conscientiously, intelligently, and with painstaking care, we must conclude that the $40,000 recommended to be paid in addition to the sum awarded by the board is intended as a mere gratuity for which no justification can be found in the instructions given the board by the Secretary of War defining the scope of its difficult task, and which we believe to be wholly unwarrantable by any evidence produced before us and upon which evidence these claims are supposed to be founded.

We are equally unable to agree to the recommendation of the report that this sum be paid to the archbishop of Manila, for all the testimony offered upon this point clearly indicates that this church dignitary is not empowered under any canonical or other law to execute a proper acquittance therefor. We hold that whatsoever sum may be paid by Congress for the occupation of and damages to church properties in the Philippine Islands, if paid to the Roman Catholic Church, should be paid to the bishops of the various dioceses, and that its use should be limited to the repair and construction of churches, convents, and seminaries in the islands. Secretary Taft unmistakably indicated in his testimony before the Committee on Insular Affairs that such a limitation as this should be placed upon any appropriation made by the Congress. This is his testimony upon this point:

Mr. JONES. Mr. Secretary, would there be any objection to limiting the expenditure of this money to objects in the islands?

Secretary TAFT. No, sir. I wish, certainly, that would be the case.

Mr. JONES. I should fear if it were paid to the apostolic delegate it might be used outside of the islands—in Spain, for instance.

Secretary TAFT. If there were any danger of that, I should like some limitation made to prevent it.

Just why these claims should not await judicial determination of the fundamental and vital questions underlying them, and upon which it is conceded they must rest, has not been made apparent.

There are now pending in the Congress hundreds of claims for the use and occupation of and injury to both Catholic and Protestant churches in the United States. These claims have been waiting upon the pleasure of the Congress for more than a third of a century. Many of them have been referred by the Congress to the Court of Claims, the tribunal specially authorized to hear and determine all questions of law and fact relating to them, and are now, having long since received the sanction of that court, still awaiting Congressional action. Are they less meritorious and just than these church claims the payment of which is now being so strenuously urged upon the Congress?

W. A. JONES.
ROBERT N. PAGE.
FINIS J. GARRETT.
HARVEY HELM.

EXHIBIT A.

[No. 1376.]

AN ACT Providing for the speedy disposition of controversies as to the right of administration or possession of churches, convents, cemeteries, and other church properties and as to the ownership thereof and title thereto by vesting in the supreme court of the Philippine Islands original jurisdiction to decide such controversies, and for other purposes.

Whereas controversies have arisen between the Roman Catholic Apostolic Church on the one hand and the association called "The Independent Filipino Church," certain municipalities, and other persons on the other hand as to the right of administration or possession of numerous churches, convents, cemeteries, and real and personal property used in connection therewith, and as to the ownership thereof and title thereto; and

Whereas, if actions involving controversies as to said church property are brought in the courts of first instance, great and interminable delay by reason of the great number of properties involved and the fact that the courts of first instance are fully occupied with ordinary litigation will result not only in the disposition of the actions so brought, but also in the disposition of the ordinary litigation pending before said courts; and

Whereas frequent and angry controversies have arisen and continue to arise in numerous municipalities of the Philippine Islands between contending religious organizations, municipalities, and other persons as to the right to the possession of said properties, often culminating in illegal and forcible seizure thereof and in grave disturbances of the public peace and order, and it is believed to be in the interests of the Filipino people that such a condition of affairs should no longer continue and that all controversies of this character should be speedily settled in a legal and orderly way; and

Whereas there are several hospitals, haciendas, and other lands, some of which are in the possession of the government of the Philippine Islands, but as to which the Roman Catholic Apostolic Church claims the right of administration or ownership, and others of which are in the possession of the Roman Catholic Apostolic Church, but as to which the right of administration or ownership is claimed by the government of the Philippine Islands, and it is also of general importance that these controversies should be speedily and finally determined: Now, therefore,

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The supreme court of the Philippine Islands is hereby given original jurisdiction and constituted the tribunal to hear and finally determine all actions which involve controversies between the Roman Catholic Apostolic Church and its representatives on the one hand and the Independent Filipino Church and its representatives or any municipality or other person on the other hand as to the title to any and all churches, convents, or cemeteries in the Philippine Islands and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof.

SEC. 2. The Roman Catholic Apostolic Church, the archbishop of Manila, or any bishop of a diocese, or other property representative of the Roman Catholic Apostolic Church, or any or all of them claiming the right of administration or ownership of any

of the property or properties mentioned in the preceding section, or title thereto, possession of which property or properties is withheld by the Independent Filipino Church or any representative thereof, or by any municipality or other person, may file a petition in the supreme court of the Philippine Islands setting forth in a succinct manner the particular piece or pieces of property or properties, the title to which, or the ownership, right of administration, or possession of which, is claimed by the petitioner or petitioners, and that the Independent Filipino Church or its representatives or any municipality or any other person unlawfully withholds from the petitioner or petitioners the administration or possession of such property or properties or unlawfully claims ownership therein or title thereto, and praying that a decree be entered giving the administration and possession of such property or properties to the petitioner or petitioners and generally enforcing his or their rights as they may appear. It shall not be necessary to describe in the petition by exact metes and bounds the churches, convents, or cemeteries so claimed to be withheld, but it shall be sufficient to designate them as the church, convent, or cemetery in the municipality or the barrio of the municipality of the province in which they are respectively situate. In all actions in which the Independent Filipino Church or any representative thereof is in possession of any church, convent, or cemetery, or real or personal property used in connection therewith, the *Obispo Maximo* or the representative of the Independent Filipino Church in possession of the property shall be made a party defendant, and in each and every action the municipality in which such church, convent, or cemetery is situate shall also be made a party defendant. Upon the filing of the petition a summons shall issue in the usual form against the party or parties defendant, accompanied by a certified copy or copies of the petition, commanding the defendant or defendants and each of them to appear and answer said petition within forty days after the service of said summons, and the same shall be served upon said defendant or defendants as speedily as possible by the officer of the court charged with that duty. In case a municipality is named as defendant, service shall be made in the manner prescribed in section numbered three hundred and ninety-six of Act Numbered One hundred and ninety. The officer who is charged with the duty of serving said summons shall immediately endeavor to serve the same upon the party and each of the parties defendant as provided in other actions for service of summons by said Act Numbered One hundred and ninety. The court may, in its discretion, when it is deemed necessary to facilitate service, appoint special officers for that purpose. Where the property in controversy is outside of the city of Manila, the summons shall be sent by the clerk of the supreme court to the governor or sheriff of the province in which the property is situate for service, and such officer shall be entitled only to the fees which would be allowed were the summons returnable in his own province. In case a special officer is appointed for the purpose of serving process, the process shall be sent or delivered to him by the clerk of the supreme court, and he shall be allowed the same fees as are hereby authorized for the governor or sheriff.

SEC. 3. It shall not be necessary to file separate petitions against each defendant alleged to be wrongfully in possession of each piece of property as above set forth, but all defendants holding several and distinct pieces of property in the same province may be embraced in one petition.

SEC. 4. Within forty days after service of the summons on the defendant or defendants, unless further time is given by the court, the defendant or defendants served shall file their several answers or a joint answer, as they may elect, succinctly stating the facts upon which they base their interest and deny the ownership or the right of administration or possession or claim of title of the petitioner or petitioners, and stating to what use the property claimed or held by such defendant or defendants has been put while in the possession of the defendant or defendants and for what period of time it has been so used and whether such property is used or ever has been used by the Roman Catholic Apostolic Church as a church, convent, or cemetery or in connection therewith, and if so, for what period of time. Upon the filing of such answer or answers no further pleading shall be necessary and the action shall be considered at issue. In the event that any defendant fails to file his answer to the petition within the time hereby prescribed, the allegations of the petition shall be taken as confessed and true as to him, and the court shall at once enter a decree directing the return of the personal property and ousting such defendant from possession of the real property described in the petition and held by him and, if requested, shall issue a writ of possession in accordance with the decree. Whenever any complaint or petition filed in pursuance of this act is under oath the answer or answers to such complaint or petition must also be under oath. The court shall have power and authority to appoint receivers, issue injunctions and other extraordinary process as provided by the Code of Civil Procedure.

SEC. 5. After an action shall be at issue the petitioner or petitioners shall have sixty days within which to take evidence in support of the averments of their petition, and the defendant or defendants shall likewise have sixty days after the time fixed for the taking of the petitioner's proof within which to take evidence to sustain the averments of their answer or answers, and thereafter the petitioner or petitioners shall have thirty days in which to take evidence in reply. In case either the petitioner or petitioners or the defendant or defendants shall have concluded the taking of evidence before the expiration of the time allowed herein for concluding the same, they may so notify the opposite parties in writing, and thereupon the time within which the latter are required to take their evidence shall begin to run. The court, in order to facilitate the taking of evidence, may appoint such special commissioners as may be necessary to that end, and, in its discretion, may appoint the clerk of any court of first instance as such special commissioner, and such special commissioner shall be allowed compensation not to exceed ten pesos per day for his services while actually engaged in taking the evidence. Any commissioner thus appointed shall have authority to issue process upon the application of either party, to summon witnesses to appear before him, and, if necessary, to compel their attendance by issuing attachments, and to administer oaths. Such commissioner shall make his report to the court within thirty days after the taking of evidence has been completed by him.

SEC. 6. The attorneys for the parties litigant, within seven days after any action shall be at issue, shall appear before the supreme court of the Philippine Islands and stipulate, so far as possible, what facts may be taken as agreed upon by the parties in interest so as to save the necessity of taking evidence, and these stipulations shall be reduced to writing and the facts therein agreed upon shall be taken and considered as established. At the conclusion of the taking of the evidence in any action the same shall be heard by the court as speedily as may be, and actions arising under the provisions of this act shall be given precedence in their hearing over any other actions pending in said court.

SEC. 7. After reaching a conclusion upon the issues presented in any action the court shall render its decree accordingly. If it find in favor of granting the prayer of the petitioner or petitioners *in toto*, it shall enter a decree directing the return to the petitioner or petitioners of the personal property and ousting the defendant or defendants from possession of the real property mentioned in the petition and awarding possession of such real and personal property to the petitioner or petitioners, or such of them as may be entitled thereto, and directing a writ of possession to issue against the defendant or defendants in the manner and form prescribed by Act Numbered One hundred and ninety. If it shall find in favor of the defendant or defendants, it shall decree accordingly and direct that the petition be dismissed. In the event that the court shall find that the petitioner or petitioners or any of them are entitled to some of the properties mentioned in the petition and not entitled to others mentioned therein, it shall decree in accordance with its finding, granting the prayer of the petitioner or petitioners or any of them as to the property or properties to which such petitioner or petitioners or any of them are entitled, and decreeing that the defendant or defendants or such of them as are wrongfully in possession of the personal property return the same to the petitioner or petitioners, that the defendant or defendants or such of them as are wrongfully in possession of real property be ousted therefrom, and that a writ of possession to that effect be issued, and dismissing the petition in so far as it seeks to recover possession from the defendant or defendants or any of them of any property to which none of the petitioners is entitled.

SEC. 8. Whenever any municipality claims to be the owner of any church, convent, cemetery, or real or personal property used in connection therewith which is in the possession of the Roman Catholic Apostolic Church or of any bishop or priest or other proper representative thereof, such municipality may in like manner bring its action in the supreme court of the Philippine Islands against the party or parties in possession, making the Roman Catholic archbishop or bishop of the diocese in which the property or properties are situate a party defendant thereto, and the same procedure as is set forth in the preceding sections of this act shall be followed and the provisions of this act shall in all respects apply to such actions: *Provided*, That no municipality shall institute such suit without first submitting its claim of title to the attorney-general for the Philippine Islands and receiving his approval to the bringing of such suit: *And provided further*, That when such approval has been had it shall be the duty of the attorney-general to direct and control the litigation when begun, utilizing the services of the provincial fiscal so far as in his judgment may be necessary in the preparation and conduct of the action: *Provided, however*, That nothing in this act contained shall prohibit the Roman Catholic Apostolic Church, the Independent Filipino Church, or any municipality or other person not taking advantage of the provisions

of this act from instituting actions in the courts of first instance, or in the court of land registration, in accordance with existing provisions of law, to recover the possession and control of churches, convents, cemeteries, or other property.

SEC. 9. The supreme court of the Philippine Islands is also given original jurisdiction to hear and determine all actions involving the title to any hospital, asylum, charitable institution, or other property of any description whatsoever, or the ownership, right of administration, or possession thereof, which may be brought by the government of the Philippine Islands against the Roman Catholic Apostolic Church or any archbishop, bishop, priest, or other lawful representative thereof, or which may be brought by such archbishop, bishop, priest, or other lawful representative of the Roman Catholic Apostolic Church against the government of the Philippine Islands; and the procedure as set forth in the preceding sections hereof shall be followed, and the provisions of this act shall in all respects apply to such actions.

SEC. 10. All costs of the several actions begun in accordance with the provisions of this act, including compensation to special commissioners, but exclusive of counsel fees, shall be borne by the government of the Philippine Islands, and from time to time, as may be necessary, the Philippine Commission shall make appropriation therefor as in other cases of obligations against the government of the Philippine Islands, but the costs herein provided to be paid shall be those lawfully and necessarily accruing in the supreme court of the Philippine Islands only.

SEC. 11. No municipality becoming either a party plaintiff or defendant under the provisions of this act shall appeal from the decision of the supreme court of the Philippine Islands to the Supreme Court of the United States save upon the approval and by the direction of the attorney-general for the Philippine Islands.

SEC. 12. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 13. This act shall take effect on its passage.

Enacted, July 24, 1905.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 697.

URGENT DEFICIENCY APPROPRIATION BILL.

FEBRUARY 10, 1908.—Ordered to be printed.

Mr. TAWNEY, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 14766.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) "making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert: *one hundred and twelve thousand dollars;* and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

After the word "That," in line 1 of said amendment, insert the words: *not exceeding the sum of five thousand dollars of;* and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 5, 11, and 26.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 786.

TO WITHHOLD PAYMENT FOR MANUSCRIPT FOR NEW EDITION OF CHARTERS, CONSTITUTIONS, AND ORGANIC LAWS.

FEBRUARY 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to printed.

Mr. SMITH, of Iowa, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. J. Res. 96.]

The Committee on Appropriations, to whom was referred the House joint resolution (H. J. Res. 96) directing the Secretary of the Treasury to withhold the payment of the sum of $10,000, appropriated by the act making appropriations for the sundry civil expenses for the fiscal year ending June 30, 1907, for the purchase of manuscript of a new edition of Charters, Constitutions, and Organic Laws, having considered the same, report back herewith and recommend its passage.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 788.

GRANTING CERTAIN LANDS OF SANTEE RESERVATION TO SCHOOL DISTRICT 36 IN KNOX COUNTY, NEBR.

FEBRUARY 11, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HINSHAW, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 10671.]

The Committee on Indian Affairs, to whom was referred House bill 10761, submit the following report:

This bill authorizes the Secretary of the Interior to issue patents in fee simple to school district No. 36, Knox County, Nebr., of a tract not exceeding 2½ acres, from lands reserved for the Santee Agency, to be used for school purposes under the law of Nebraska, upon such terms and conditions and under such regulations as the Secretary of the Interior may prescribe. The Santee Agency is located within said school district and is the most central location for schoolhouse site, there being within the neighborhood of 100 people located within the agency, but the schoolhouse can not be erected there until after site has been acquired by the district.

After careful consideration of said bill the committee recommends its passage, with an amendment to strike out in line 4 thereof the words "directors of."

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 790.

RESURVEY OF CERTAIN PUBLIC LANDS IN NEBRASKA.

FEBRUARY 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PRAY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 13577.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, submit the following report:

Amend the bill as follows:

Strike out all after the word "fifteen," in line 5, page 1, down to and including the word "Sixteen," in line 7, and as thus amended that the same do pass.

There is attached herewith, and made a part of this report, a letter from the First Assistant Secretary of the Interior, which indicates the necessity for these resurveys.

From the records of the Department it seems that the survey of these townships was executed all the way from twenty-five to thirty-five years ago. The lands are mostly of a sandy character, in which a survey monument might easily be quickly and effectually obliterated by the action of the elements, grazing animals, etc., and in the four townships to be resurveyed the departmental records show that there has been considerable complaint of lost and obliterated corners.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1908.

SIR: I have the honor to acknowledge receipt of your letter of January 17, 1908, transmitting a copy of H. R. 13577, entitled "A bill providing for the resurvey of certain public lands in the State of Nebraska," with the request that you be advised as to what the records of this Department show relative to the condition of the several townships named.

In compliance with your request, I have the honor to transmit herewith diagrams of the townships named in said bill, each showing graphically in green, blue, and red colors the vacant, homesteaded, and patented lands, respectively, as disclosed by the records of the General Land Office, as follows, viz:

T. 25 N., R. 15 W.—More than half of the lands in this township have been patented and practically all the balance is occupied by homestead settlers, as evi-

denced by subsisting entries therefor. The original survey was executed in 1872 by a deputy whose reputation was of the best, but the soil being very sandy it is probable that many original corners are obliterated.

T. 33 N., R. 16 W.—Practically all of the lands in this township have been patented, there is no vacant land, and 2,665 acres only are occupied by homestead settlers.

The original survey was well executed in 1872 by the same deputy who surveyed T. 25 N., R. 15 W., and if the corners are obliterated it would appear to be the result of carelessness on the part of the occupants of the lands at different times since the survey.

It will be noted that this township is named twice in the bill.

T. 24 N., R. 46 W.—One-fourth of this township is patented land; 14,360 acres are occupied by homestead settlers and 2,800 acres are vacant. The original survey was executed in 1880, and much complaint has been made on account of obliteration of corners.

T. 34 N., R. 32 W.—Eight thousand eight hundred and eighty acres of this township is patented land, 13,600 acres are occupied by homestead settlers, and 560 acres are vacant. The original survey was executed in 1882, and much complaint has been made that no corners can be found. Five affidavits of old settlers are on file in this office, stating that no corners of original survey can be found.

T. 26 N., R. 31 W.—Nearly one-half of this township is vacant land, only 3,760 acres are patented or disposed of, 2,500 acres of which are school lands of the State of Nebraska, the balance being occupied by homestead settlers under the additional homestead law, locally known as the "Kinkaid law."

The original survey was executed in 1876, the soil is very sandy, and much complaint has been made that no corners can be found.

H. R. 13577 is herewith returned.

Very respectfully,

FRANK PIERCE,
First Assistant Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 792.

DAM ACROSS CAHABA RIVER AT OR NEAR CENTERVILLE, ALA.

FEBRUARY 11, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 16051.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 8, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 16051, Sixtieth Congress. first session, to authorize the construction of a dam across Cahaba River, Alabama, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 10, 1908.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 793.

APPEAL CASES FROM THE DISTRICT COURT, ALASKA.

FEBRUARY 11, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ALEXANDER, of New York, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 13649.]

The Committee on the Judiciary, to whom was referred House bill 13649, submit the following report and recommend the passage of the bill.

At present practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, so that the litigant in Alaska, in order to attend the court of appeals in San Francisco, must pass through Seattle, both going and on his return, and travel at a considerable expense about 2,000 miles farther than if the case were heard at Seattle.

There is now annually held at Seattle a term of the circuit court, and to hear such appeals there, as the best interests of the Alaska litigants might require, would be of little inconvenience to the court. It is the desire of the members of the bar and of the business interests of Alaska that some provision be made so that Alaska appeals need not be heard in San Francisco except in cases where the circumstances justify it.

This desire of the people of Alaska was strongly urged before the committee by the Hon. Thomas Cale, Delegate from that Territory. It is claimed by the attorneys of Alaska that if their appeals could be heard in Seattle it would enable them in many cases to attend to them in person, whereas at present they are compelled to employ San Francisco attorneys to represent them in the court of appeals.

It is the opinion of your committee that great and unnecessary expense and inconvenience is in many cases at present imposed upon Alaska litigants that would be relieved by the passage of this bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 794.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

FEBRUARY 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BINGHAM, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 16882.]

In presenting the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, the Committee on Appropriations submit the following in explanation thereof:

The estimates on which the bill is based will be found on pages 9–115 and 156–170 of the Book of Estimates for 1909, and aggregate $34,210,716.13, of which amount there is recommended in the bill $32,336,573, a reduction of $1,874,143.13 under said estimates.

The appropriations for the same purposes for the current fiscal year, including $370,950 in the sundry civil and deficiency acts of the last session, aggregated $32,406,493.80, being $69,920.80 more than is recommended in the accompanying bill for the service of the fiscal year 1909.

The whole number of salaries specifically provided for in this bill is 14,818, or 341 less than the number estimated for, and 27 more than the number provided for in the law for the current year.

The estimates for specific salaries submitted, as required by law, for the Government Printing Office for the next fiscal year will be considered by the committee in connection with the general estimates for printing and binding on the sundry civil bill. The sum appropriated for these salaries for 1908 and the estimates submitted therefor are not included in the figures referred to above or in the comparative exhibit attached to this report.

The specific changes in the number or grade of officers or employees of the Government and their rate of compensation, as compared with

the current law and without reference to transfers from one bureau to another, recommended in the bill are as follows:

SENATE.

The bill appropriates for officers, clerks, and other employees in the service of the Senate in the same terms as the law for the current year, except that for session employees the usual reduction is made, growing out of the shorter term of their employment during the ensuing session, as compared with the present long session of Congress, and a reduction is made, in accordance with the estimates, of twelve clerks, at $1,800 each, to Senators who are not chairmen of committees; and in the salary of the Superintendent of the Document Room from $3,000 to $2,500.

The appropriation for miscellaneous expenses, including personal services for the Senate, is reduced from $100,000 to $75,000, being the same amount as is recommended for like expenses of the House.

HOUSE OF REPRESENTATIVES.

The salaries of all officers and employees of the House which were increased at the last session of Congress by resolution are continued for the next fiscal year at the rate of compensation thus fixed. In addition, the other changes proposed in such employments are as follows:

Office of the Clerk.—Three telephone operators at $900 each, three telephone operators at $75 per month each during the session, one night telephone operator at $720, and for services of a substitute operator when required at $2.50 per day are recommended.

Clerks to committees.—An annual clerk at $2,000, instead of a clerk at $6 per day during the session, is recommended for the Committee on Industrial Arts and Expositions, and the salary of the assistant clerk to the Committee on Invalid Pensions is increased from $1,600 to $1,800.

Office of the Sergeant-at-Arms.—The salary of a stenographer and typewriter is increased from $720 to $900, and the inspector of cabs at $720 is omitted.

Office of the Doorkeeper.—Two telephone operators at $1,200 each, two telephone pages at $2.50 per day each during the session, and an assistant foreman of the folding room at $1,200, instead of a folder at $800, are recommended.

Office of the Postmaster.—An additional messenger at $1,200 per annum and six messengers at $100 per month each during the session are recommended.

Stenographers to committees.—A janitor at $720 is recommended.

CIVIL-SERVICE COMMISSION.

One clerk at $1,600, two clerks at $1,400 each, and three clerks at $1,200 each additional are recommended.

DEPARTMENT OF STATE.

The salary of the Assistant Secretary of State is increased from $4,500 to $6,000, and the salaries of the Second and Third Assistant Secretaries are increased from $4,500 to $5,000, the salary of the clerk

to the Secretary of State is reduced from $2,100 to $1,800, two additional clerks at $1,400 each, two clerks at $1,200 each, three clerks at $1,000 each, and a carpenter at $1,000 are recommended.

TREASURY DEPARTMENT.

Office of the Secretary.—The salary of the three Assistant Secretaries of the Treasury are increased from $4,500 to $6,000 each.

Office of the chief clerk.—A plumber and carpenter at $1,100 each and a skilled laborer at $840, heretofore paid from the appropriation for repairs to the Treasury building, are recommended.

Division of bookkeeping and warrants.—Two bookkeepers at $2,000 each, one clerk at $1,800, one clerk at $1,600, and two clerks at $1,400 additional are recommended.

Division of public moneys.—Two additional clerks at $1,400 each are recommended.

Division of loans and currency.—Two additional expert counters at $720 each and two paper counters and laborers at $620 each are recommended.

Division of Revenue-Cutter Service.—A law and contract clerk at $1,800 is recommended.

Offices of the disbursing clerks.—An additional clerk at $1,600 is recommended.

Office of the Supervising Architect.—The salary of the Supervising Architect is increased from $4,500 to $5,500.

Office of the Comptroller of the Treasury.—An additional clerk at $1,600 is recommended.

Office of Auditor for the Treasury Department.—One additional clerk at $1,200 is recommended.

Office of Auditor for the Navy Department.—Three additional clerks at $1,200 each are recommended.

Office of Auditor for the Interior Department.—One additional clerk at $1,200 is recommended.

Office of Auditor for State and other Departments.—An additional clerk at $1,800, two clerks at $1,600 each, one clerk at $1,200, and one assistant messenger at $720 are recommended.

Office of Auditor for the Post-Office Department.—An additional clerk at $1,600, one clerk at $1,400, three clerks at $1,200 each are recommended; and fifteen female laborers at $780 each, instead of fifteen female laborers at $660 each, are recommended.

Office of the Treasurer.—One vault clerk, bond division, at $2,000 and two messenger boys, at $360 each additional, are recommended; and in the force employed in redeeming the national currency an increase of one clerk at $1,800, one clerk at $1,600, and one clerk at $1,400 are recommended.

Office of the Register of the Treasury.—Three additional counters at $720 each are recommended.

Office of the Commissioner of Internal Revenue.—An increase is recommended of four assistant chemists, one at $1,800, one at $1,600, one at $1,400, and one at $1,200, and there is omitted one clerk at $1,200 and three clerks at $900 each, together with one clerk at $1,800, who is transferred from this Office to the office of the solicitor of internal revenue in the Department of Justice.

Secret Service Division.—One clerk at $900 is omitted.

INDEPENDENT TREASURY.

Office of the assistant treasurer at Boston.—Four clerks at $1,000 each are recommended.

Office of the assistant treasurer at Cincinnati.—A vault clerk at $1,800 instead of a clerk at $1,200 is recommended.

Office of the assistant treasurer at St. Louis.—Two assistant tellers at $1,500 each are recommended.

MINTS AND ASSAY OFFICES.

Mint at Carson, Nev.—One additional clerk at $1,000 is recommended and the appropriation for wages of workmen is increased from $3,600 to $4,000.

WAR DEPARTMENT.

Office of the Secretary.—The salary of the Assistant Secretary is increased from $4,500 to $6,000.

Office of the Quartermaster-General.—One inspector of supplies for the Army at $2,500, and two draftsmen at $1,000 each are omitted.

Office of the Chief of Ordnance.—The amount that may be used out of the appropriations for armament of fortifications and for arming and equipping the organized militia, for the services of skilled draftsmen and other services, is increased from $40,000 for 1908 to $45,000 for 1909.

Office of the Chief of Engineers.—The amount that may be used out of the appropriations for rivers and harbors, fortifications and surveys, for services of skilled draftsmen and other services, is increased from $10,000 for 1908 to $15,000 for 1909.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

An electrical machinist at $1,200 is recommended instead of an assistant engineer at $1,000, and three second-class firemen at $660 each are recommended instead of three laborers at the same salary, and two additional laborers at $660 each are recommended.

For care of the Mills Building an engineer at $1,200 instead of an assistant engineer at $1,000 and a forewoman of charwomen at $300 instead of a charwoman at $240 are recommended, and one plumber at $900 is omitted.

For service in the State Department annex, one laborer at $660 is recommended.

NAVY DEPARTMENT.

Office of the Secretary.—The salary of the Assistant Secretary is increased from $4,500 to $6,000.

Office of the Judge-Advocate-General.—One law clerk at $2,500 is recommended.

Bureau of Navigation.—Two additional copyists at $900 each are recommended.

Office of Naval Intelligence.—One additional translator at $1,400 is recommended.

Bureau of Equipment.—Two additional clerks at $1,000 each are recommended.

Bureau of Steam Engineering.—One additional clerk at $1,800 is recommended.

Bureau of Construction and Repair.—One clerk at $1,800, one clerk at $1,400, and one clerk at $1,200, additional, are recommended.

Bureau of Supplies and Accounts.—One civilian assistant at $2,500 instead of a chief clerk at $2,000 is recommended, and two chief bookkeepers at $2,000 each, two clerks at $1,400 each, and one assistant messenger at $720, additional, are recommended.

DEPARTMENT OF INTERIOR.

Office of the Secretary.—The salary of the First Assistant Secretary is recommended to be increased from $4,500 to $6,000 and the salary of the Assistant Secretary is increased from $4,500 to $5,000; there is recommended an assistant chief clerk at $2,500, eight special inspectors at $2,500 each instead of a special land inspector, five special inspectors and six Indian inspectors at the same rate of compensation; one disbursing clerk, one clerk in charge of supplies, and a clerk in charge of mails, files, and archives at $2,250 are recommended instead of three chiefs of division at the same salary, and the sixteen additional members of the board of pension appeals at $2,000 each are omitted.

Pension Office.—Reductions are made of one principal examiner at $2,000, forty clerks at $1,200 each, forty clerks at $1,000 each, ten copyists at $900 each, three laborers at $660 each, and twenty-five special examiners at $1,300 each.

Patent Office.—The working force is increased by one principal examiner at $2,500, five first assistant examiners at $2,000 each, five second assistant examiners at $1,800 each, five third assistant examiners at $1,600 each, seventeen fourth assistant examiners at $1,400 each, two clerks at $1,800 each, two clerks at $1,600 each, twenty clerks at $1,200 each, and twenty-three clerks at $1,000 each, and increases in salary are recommended as follows: Fifty-three first assistant examiners from $1,800 to $2,000 each, sixty-three second assistant examiners from $1,600 to $1,800 each, seventy-three third assistant examiners from $1,400 to $1,600 each, eighty-three fourth assistant examiners from $1,200 to $1,400 each, thirty-seven laborers at $600 each to be copyists at $720 each, and thirty-three laborers at $480 each to be copyists at $720 each. There are omitted from the Office ten clerks at $800 each, together with the following who are employed in connection with the model exhibit: One machinist $1,600, one assistant $900, one assistant $720, and two charwomen at $240 each.

Bureau of Education.—The salary of the Commissioner of Education is increased from $3,500 to $5,000.

Office of the Superintendent of the Capitol.—The salary of one foreman is raised from $1,200 to $1,500.

OFFICES OF THE SURVEYORS-GENERAL.

The offices of the surveyors-general of Florida, and North Dakota with combined salaries, including those of clerks, and amounts for contingent expenses aggregating $10,350 are omitted from the bill, together with the office of the surveyor-general for Minnesota, which was provided for only for the first half of the current fiscal year in appropriations amounting to $2,380.

For clerks in the office of the surveyor-general of Wyoming the amount is reduced from $11,700 to $10,500.

POST-OFFICE DEPARTMENT.

Office of the Postmaster-General.—Provision is recommended for a printing clerk at $2,000 and an assistant printing clerk at $1,600, both of whom are now detailed from the Government Printing Office.

Division of the purchasing agent.—One additional clerk at $1,000 is recommended.

Office of the First Assistant Postmaster-General.—The salary of the First Assistant Postmaster-General is recommended to be increased from $5,000 to $6,000; one clerk at $1,400, one clerk at $1,200, and one clerk at $1,000 additional are recommended.

Office of the Second Assistant Postmaster-General.—The salary of the Second Assistant Postmaster-General is recommended to be increased from $4,500 to $5,000; an increase is recommended of one clerk at $1,800, one clerk at $1,600, and one clerk at $1,000.

Division of Railway Mail Service.—An increase is recommended of one clerk at $1,800.

Office of the Third Assistant Postmaster-General.—The salary of the Third Assistant Postmaster-General is recommended to be increased from $4,500 to $5,000; and an increase is recommended of one clerk at $1,800, one clerk at $1,600, one clerk at $1,400, one clerk at $1,200, and one page at $360.

Division of money orders.—An increase is recommended of one clerk at $1,600, one clerk at $1,400, and one clerk at $1,200.

Office of the Fourth Assistant Postmaster-General.—The salary of the Fourth Assistant Postmaster-General is recommended to be increased from $4,500 to $5,000; and an increase of one clerk at $1,400, and two pages at $360 each is recommended.

Division of dead letters.—The salary of the superintendent is recommended to be increased from $2,500 to $3,000; and an increase is recommended of one clerk at $1,200 and two clerks at $1,000 each.

DEPARTMENT OF JUSTICE.

One law clerk at $1,800 is provided for in the office of the solicitor of internal revenue in lieu of a clerk at $1,800 omitted from the office of the Commissioner of Internal Revenue in the Treasury Department, and specific provision is made for 68 attorneys and others now employed in the Department of Justice and paid from certain appropriations for expenses of the United States courts carried in the sundry civil appropriation bill. The employments in question have become permanent in their character, and it is stated by the Attorney-General that they will be required continuously for the future. The rates of compensation provided for in the bill are substantially in accordance with the rates of compensation now actually being paid.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—The salary of the Assistant Secretary is recommended to be increased from $5,000 to $6,000.

The appropriation for compensation of special agents to investigate trade conditions abroad is reduced from $50,000 to $35,000, and the amount that may be paid per day to such special agents is limited to not more than $10.

Light-House Board.—An increase is recommended of one clerk at $1,200 and one messenger boy at $480.

Office Supervising Inspector-General, Steamboat-Inspection Service.—An increase is recommended of one clerk at $1,000.

Bureau of Navigation.—An additional messenger at $840 is recommended instead of an assistant messenger at $720.

Bureau of Immigration and Naturalization.—An increase is recommended of one clerk at $1,200, one clerk at $1,000, and two clerks at $900 each.

Division of naturalization.—An increase is recommended of one clerk at $1,800, one clerk at $1,600, one clerk at $1,400, and one clerk at $1,200.

Division of information.—Specific provision is made for the following employees in this division now being paid from a general appropriation carried in the sundry civil appropriation act, namely, one chief of division at $3,500, one assistant chief of division at $2,500, two clerks at $1,800 each, one clerk at $1,600, two clerks at $1,400 each, three clerks at $1,200 each, one clerk at $900, and one messenger at $840.

Bureau of Standards.—An increase is recommended of two assistant physicists at $1,800 each, one assistant physicist at $1,600, two assistant physicists at $1,400, one laboratory assistant at $1,200, one laboratory assistant at $1,000, and one aid at $720.

COURT OF CLAIMS.

The appropriation for the employment of auditors and additional stenographers is reduced from $8,000 to $6,000, the latter sum to include compensation for a stenographer at $1,200 for the chief justice.

LIMITATIONS.

Limitations with respect to the appropriations made in the bill and not heretofore imposed are recommended as follows:

On page 11:

The salary of each of the Resident Commissioners from the Philippine Islands shall be the same as that of the Resident Commissioner from Porto Rico.

On page 63, in connection with the appropriation for expenses of collecting internal revenue:

That no part of this amount be used in defraying the expenses of any officer, designated above, subpœnaed by the United States Courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

On page 95:

The superintendent of the State, War, and Navy building shall also act as superintendent of the Navy Department Annex, or Mills Building, and the State Department Annex building.

On page 130 in connection with the appropriations for offices of Surveyors-General:

That no expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses, in the offices of the surveyors-general shall be incurred by the respective surveyors-general in the conduct of said

offices, except upon previous specific authorization by the Commissioner of the General Land Office.

On page 144:

That all persons employed on June 30, 1908, under the appropriations "Defending Suits in Claims against the United States," "Prosecution of Crimes," "Punishing Violations of the Intercourse Acts and Frauds," and "Care of Rented Buildings, Department of Justice," may be, in the discretion of the Attorney-General, transferred to the places provided for them under the appropriation "Salaries, Department of Justice, 1909," without reference to the act entitled "An Act to Regulate and Improve the Civil Service of the United States," approved January 16, 1883, and without reference to the rules and regulations promulgated thereunder.

On page 166, it is proposed to reenact Sec. 3, of the last legislative, etc., act, as a limitation on the sums appropriated by the accompanying bill, to read as follows:

Sec. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced, either by the demotion or removal of such person from the public service.

On page 166:

Sec. 4. It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case.

On page 167:

Sec. 5. No person now or hereafter employed in the classified service of any Executive Department shall be transferred from one Executive Department to, or be otherwise employed in, another Executive Department until such person shall have served continuously not less than three years in the Department from which he seeks transfer or in some other Department as an employee in the classified service.

On page 167:

Sec. 6. In the discretion of the Secretary of the Interior, persons employed June 30, 1908, as additional members of the Board of Pension Appeals may be transferred and appointed to places in the classified service of the Department of the Interior without reference to the "Act to regulate and improve the civil service of the United States" approved January 16, 1883.

RECAPITULATION.

The following tabulated statement gives in detail the appropriations for the current fiscal year, the estimates for 1909, and the amounts recommended in the accompanying bill for the fiscal year 1909:

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Senate—Continued.						
For reporting debates	$30,000.00	.....	$30,000.00	.....	$30,000.00	.....
repairs, Maltby Building	2,000.00	.....	2,000.00	.....	2,000.00	.....
rent of warehouse, storage, Senate	3,600.00	.....	3,600.00	.....	3,600.00	.....
Total, Senate	1,518,853.00	467	1,578,148.00	459	1,484,048.00	457
Capitol police.						
For salaries	77,950.00	73	77,950.00	73	77,950.00	73
contingent expenses	300.00	.....	300.00	.....	300.00	.....
Total, Capitol police	78,250.00	73	78,250.00	73	78,250.00	73
For compiling Congressional Directory	1,600.00	.....	1,600.00	.....	1,600.00	.....
House of Representatives.						
For salaries of Members and Delegates	2,974,500.00	396	2,974,500.00	396	2,989,500.00	398
mileage	150,000.00	.....	150,000.00	.....	154,000.00	.....
For salaries, Speaker's office (including, for 1908, $240 in deficiency act)	11,640.00	4	11,640.00	4	11,640.00	4
For salary, Chaplain	1,200.00	1	1,200.00	1	1,200.00	1
For salaries, Clerk's office (including, for 1908, $7,220 in deficiency act)	109,040.00	63	114,800.00	63	117,170.00	71
For salaries, Superintendent of the Capitol	28,100.00	26	28,100.00	26	24,200.00	23
For salaries, annual clerks, messengers, and janitors to committees (including, for 1908, $5,320 in deficiency act)	116,480.00	79	118,260.00	78	120,460.00	79

For salaries, session clerks to committees	16,536.00	13	8,970.00	13	8,280.00	12
For salaries, Sergeant-at-Arms' office (including, for 1908, $1,200 in deficiency act)	23,780.00	12	23,680.00	12	23,140.00	11
For salaries, Doorkeeper's office (including, for 1908, $4,270 in deficiency act)	172,900.00	188	164,330.00	188	171,205.00	195
For salaries of special employees (including, for 1908, $200 in deficiency act)	19,805.25	13	20,105.25	13	19,505.25	13
For salaries, post-office	25,720.00	23	24,520.00	24	26,920.00	30
hire of horses and mail wagon	2,500.00		2,500.00		2,500.00	
For salaries, official reporters	31,500.00	7	31,800.00	7	31,800.00	7
janitor	720.00	1	720.00	1	720.00	1
For salaries, committee stenographers	21,600.00	5	21,600.00	5	21,600.00	5
janitor					720.00	1
For clerk hire, Members and Delegates	594,000.00		594,000.00		594,000.00	
For materials for folding	10,000.00		10,000.00		10,000.00	
For fuel, etc., for heating apparatus	20,000.00		25,000.00		38,000.00	
For furniture	20,000.00		20,000.00		20,000.00	
For packing boxes	3,500.00		3,500.00		3,500.00	
For miscellaneous items	50,000.00		75,000.00		75,000.00	
For stationery	53,750.00		60,000.00		54,375.00	
For postage	850.00		900.00		1,150.00	
Total, House of Representatives	4,458,121.25	831	4,485,125.25	831	4,520,585.25	851
Government Printing Office.						
(Transferred to sundry civil bill.)						
Library of Congress.						
For salaries	239,060.00	236	239,660.00	236	239,060.00	236
For salaries, execution of copyright law	75,300.00	69	84,020.00	77	75,300.00	69
distribution of card indexes	10,800.00		13,800.00		16,800.00	
special temporary service	2,000.00		2,000.00		2,000.00	
Sunday opening	10,000.00		10,000.00		10,000.00	
For indexes, digests, and compilation	5,840.00	5	5,840.00	5	5,840.00	5
For increase of the Library	109,500.00		109,500.00		109,500.00	
contingent expenses	7,300.00		7,300.00		7,300.00	
For salaries, care and maintenance of building	76,785.00	127	82,065.00	134	76,785.00	127
For Sunday opening	2,800.00		2,800.00		2,800.00	

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Library of Congress—Continued.						
For fuel, light, repairs, and supplies	$32,500.00	.....	$32,500.00	.....	$32,500.00	.....
furniture	40,000.00	.....	40,000.00	.....	40,000.00	.....
stack of shelving for bound newspapers and books	.....	.....	320,000.00	.....	100,000.00	.....
Total, Library of Congress	611,885.00	437	949,485.00	452	717,885.00	437
Botanic Garden.						
For superintendent	1,800.00	1	1,800.00	1	1,800.00	1
wages and miscellaneous expenses	21,093.75	.....	21,093.75	.....	21,093.75	.....
Total, Botanic Garden	22,893.75	1	22,893.75	1	22,893.75	1
Executive.						
For the President	50,000.00	1	50,000.00	1	50,000.00	1
For the Vice-President	12,000.00	1	12,000.00	1	12,000.00	1
For salaries, Executive Office (including for 1908, $1,000 in deficiency act)	68,740.00	43	71,920.00	43	68,740.00	43
contingent expenses	25,000.00	.....	25,000.00	.....	25,000.00	.....
Total, Executive	155,740.00	45	158,920.00	45	155,740.00	45
Civil Service Commission.						
For salaries	165,610.00	127	186,890.00	139	175,410.00	134
field force	42,360.00	34	42,960.00	34	42,360.00	34

For rural-carrier examining board	22,720.00	21	24,740.00	21	22,720.00	21
traveling expenses	11,000.00	.....	10,000.00	.....	10,000.00	.....
Total, Civil Service Commission	241,690.00	182	264,590.00	194	250,490.00	189
Department of State.						
For salaries	236,600.00	167	259,860.00	187	248,900.00	176
contingent and miscellaneous expenses	20,500.00	.....	32,500.00	.....	21,500.00	.....
Total, Department of State	257,100.00	167	292,360.00	187	270,400.00	176
Treasury Department.						
For salaries, Secretary's office	648,870.00	641	704,040.00	676	674,570.00	657
stationery	35,000.00	.....	47,000.00	.....	40,000.00	.....
postage	1,500.00	.....	1,500.00	.....	1,500.00	.....
binders' material	600.00	.....	600.00	.....	600.00	.....
newspapers and books	1,000.00	.....	1,500.00	.....	1,000.00	.....
investigation of accounts	500.00	.....	10,000.00	.....	500.00	.....
freight, expressage, etc	7,000.00	.....	7,000.00	.....	7,000.00	.....
rent of buildings	37,646.00	.....	41,066.00	.....	47,566.00	.....
contingent expenses	66,990.00	.....	77,900.00	.....	67,900.00	.....
Auditor for Post-Office Department	8,500.00	.....	9,500.00	.....	7,500.00	.....
For salaries, Supervising Architect's Office (including, for 1908, $2,500 in deficiency act)	81,300.00	44	80,000.00	43	82,300.00	44
For salaries, Comptroller's office	69,820.00	37	71,420.00	38	71,420.00	38
For salaries, office of Auditor for Treasury Department	152,500.00	112	156,700.00	115	153,700.00	113
For salaries, office of Auditor for War Department	391,280.00	293	391,280.00	293	391,280.00	293
For salaries, office of Auditor for Navy Department	142,540.00	108	155,300.00	114	146,140.00	111
For salaries, office of Auditor for Interior Department	167,380.00	128	172,380.00	130	168,580.00	129
For salaries, office of Auditor for State and other Departments	113,840.00	78	123,480.00	85	120,760.00	83
For salaries, office of Auditor for Post-Office Department	816,370.00	756	833,170.00	766	823,870.00	761
For salaries, Treasurer's office	433,480.00	420	480,044.00	487	436,200.00	423
salaries, Treasurer's office (reimbursable)	123,640.00	118	131,540.00	118	128,440.00	121
repairs to canceling and cutting machines	200.00	.....	200.00	.....	200.00	.....
For salaries, Register's office	79,860.00	70	86,880.00	75	82,020.00	73
For salaries, office of Comptroller of the Currency	125,920.00	95	130,780.00	96	125,920.00	95
salaries, office of Comptroller of the Currency (reimbursable)	31,500.00	28	31,760.00	28	31,500.00	28

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Treasury Department—Continued.						
For expenses, special examinations, and macerating machines	$8,000.00	.....	$8,000.00	.....	$8,000.00	.....
For salaries, office of Commissioner of Internal Revenue	325,660.00	259	328,200.00	259	325,960.00	258
For salaries, office of Commissioner of Internal Revenue (reimbursable)	3,400.00	3	3,400.00	3	3,400.00	3
For salaries, Life-Saving Service	46,100.00	30	50,640.00	34	46,100.00	30
For salaries, Bureau of Engraving and Printing	194,100.00	283	209,770.00	300	194,100.00	283
For salaries, secret service division	17,020.00	10	16,120.00	9	16,120.00	9
For salaries, office of Director of the Mint	31,020.00	19	30,520.00	18	30,120.00	18
freight on bullion and coin	65,000.00	.....	65,000.00	.....	65,000.00	.....
contingent expenses	7,150.00	.....	7,150.00	.....	6,650.00	.....
For salaries, office of Surgeon-General of Public Health and Marine-Hospital Service	39,780.00	29	41,220.00	29	39,780.00	29
Total, Treasury Department	4,274,466.00	3,561	4,505,060.00	3,716	4,345,696.00	3,599
Internal revenue.						
For salaries and expenses of collectors, surveyors, deputies, etc.	2,075,000.00	.....	2,075,000.00	.....	2,075,000.00	.....
salaries and expenses of agents	2,310,000.00	.....	2,500,000.00	.....	2,400,000.00	.....
miscellaneous expenses	85,000.00	.....	120,000.00	.....	85,000.00	.....
withdrawal of denatured alcohol	250,000.00	.....	250,000.00	.....	200,000.00	.....
Total, internal revenue	4,720,000.00	.....	4,945,000.00	.....	4,760,000.00	.....

Independent Treasury.						
For salaries at Baltimore	34,000.00	24	35,890.00	25	34,000.00	24
For salaries at Boston	42,710.00	28	52,260.00	34	46,710.00	32
For salaries at Chicago	72,400.00	50	80,870.00	48	72,400.00	50
For salaries at Cincinnati	23,810.00	17	25,010.00	17	24,410.00	17
For salaries at New Orleans	28,890.00	20	30,000.00	20	28,890.00	20
For salaries at New York	206,510.00	130	224,820.00	130	206,510.00	130
For salaries at Philadelphia	48,940.00	36	50,140.00	36	48,940.00	36
For salaries at St. Louis	36,820.00	27	46,840.00	33	39,820.00	29
For salaries at San Francisco	30,420.00	18	30,420.00	18	30,420.00	18
For salaries of special agents, etc	3,000.00		4,000.00		3,000.00	
checks and drafts	12,000.00		13,000.00		12,000.00	
Total, Independent Treasury	539,500.00	350	593,250.00	361	547,100.00	356
Mints and assay offices.						
For salaries at Carson, Nev	5,000.00	3	6,000.00	4	6,000.00	4
wages of workmen	3,600.00		4,000.00		4,000.00	
contingent expenses	2,000.00		2,250.00		2,000.00	
For salaries at Denver, Colo	39,100.00	18	39,100.00	18	39,100.00	18
wages of workmen	150,000.00		150,000.00		150,000.00	
contingent expenses	50,000.00		50,000.00		50,000.00	
For salaries at New Orleans, La	27,300.00	15	27,300.00	15	27,300.00	15
wages of workmen	62,800.00		62,800.00		62,800.00	
contingent expenses	30,000.00		30,000.00		30,000.00	
For salaries at Philadelphia, Pa	43,550.00	18	43,550.00	18	43,550.00	18
wages of workmen	400,000.00		400,000.00		400,000.00	
contingent expenses	85,000.00		92,500.00		85,000.00	
For salaries at San Francisco, Cal	41,100.00	18	42,000.00	18	41,100.00	18
wages of workmen	165,000.00		200,000.00		165,000.00	
contingent expenses	45,000.00		60,000.00		45,000.00	
For salaries at Boise, Idaho	3,400.00	2	3,600.00	2	3,400.00	2
wages of workmen	8,300.00		9,000.00		8,300.00	
contingent expenses	3,750.00		3,750.00		3,750.00	
For salaries at Charlotte, N. C	2,750.00	2	2,750.00	2	2,750.00	2
wages of workmen	1,080.00		1,080.00		1,080.00	
contingent expenses	920.00		2,050.00		920.00	

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Mints and assay offices—Continued.						
For salaries at Deadwood, S. Dak	$3,200.00	2	$3,200.00	2	$3,200.00	2
wages of workmen	4,000.00		4,000.00		4,000.00	
contingent expenses	2,200.00		2,000.00		2,000.00	
For salaries at Helena, Mont	5,450.00	3	5,450.00	3	5,450.00	3
wages of workmen	14,500.00		14,500.00		14,500.00	
contingent expenses	4,000.00		4,000.00		4,000.00	
For salaries at New York, N. Y	41,750.00	18	44,450.00	19	41,750.00	18
wages of workmen	35,000.00		50,000.00		35,000.00	
contingent expenses	12,500.00		12,500.00		12,500.00	
For salaries at St. Louis, Mo	3,000.00	2	3,000.00	2	3,000.00	2
wages of workmen	1,000.00		1,000.00		1,000.00	
contingent expenses	750.00		750.00		750.00	
For salaries at Seattle, Wash	9,250.00	5	10,650.00	5	9,250.00	5
wages of workmen	30,020.00		32,000.00		30,020.00	
contingent expenses	8,000.00		8,000.00		8,000.00	
Total, mints and assay offices	1,344,270.00	106	1,427,230.00	108	1,345,470.00	107
Government in the Territories.						
For salaries in Alaska	51,500.00	13	51,500.00	13	51,500.00	13
contingent expenses	5,500.00		5,500.00		5,500.00	
For salaries in Arizona	20,300.00	8	20,300.00	8	20,300.00	8
contingent expenses	1,500.00		1,500.00		1,500.00	
legislative expenses	2,000.00		24,250.00		24,250.00	
For salaries in New Mexico	23,300.00	9	23,300.00	9	23,300.00	9
contingent expenses	1,500.00		1,500.00		1,500.00	
legislative expenses	3,000.00		25,000.00		24,250.00	

For salaries in Hawaii	23,500.00	5	23,500.00	5	23,500.00	5
contingent expenses	3,500.00	1	3,500.00	1	3,500.00	1
legislative expenses			30,000.00		30,000.00	
Total, Government in the Territories	135,600.00	36	209,850.00	36	209,100.00	36
War Department.						
For salaries, Secretary's office	142,560.00	117	144,410.00	117	144,060.00	117
contingent expenses	50,000.00		50,000.00		50,000.00	
stationery	25,000.00		25,000.00		25,000.00	
rent	17,720.00		17,720.00		17,720.00	
postage to Postal-Union countries	500.00		500.00		500.00	
For salaries, Adjutant-General's office	781,950.00	638	781,950.00	638	781,950.00	638
For salaries, Inspector-General's office	12,560.00	10	13,560.00	11	12,560.00	10
For salaries, Judge-Advocate-General's office	20,850.00	17	21,500.00	17	20,850.00	17
For salaries, Signal Office	25,800.00	23	25,800.00	22	25,800.00	23
For salaries, Quartermaster-General's office	276,240.00	224	280,720.00	222	271,740.00	221
For salaries, office of the Commissary-General	73,440.00	63	75,340.00	63	73,440.00	63
For salaries, Surgeon-General's office	164,506.00	134	168,202.00	135	164,506.00	134
For salaries, Paymaster-General's office	71,900.00	58	71,900.00	58	71,900.00	58
For salaries, Chief of Ordnance	83,360.00	67	83,360.00	67	83,360.00	67
For salaries, office of Chief of Engineers	100,220.00	80	100,220.00	80	100,220.00	80
For salaries, Bureau of Insular Affairs	87,400.00	74	87,600.00	71	87,400.00	74
For salaries, office of Chief of Artillery			18,960.00	17		
Total, War Department	1,934,006.00	1,505	1,966,742.00	1,518	1,931,006.00	1,502
Public Buildings and Grounds.						
For salaries	14,340.00	8	14,940.00	8	14,340.00	8
For foreman and laborers	31,200.00		31,200.00		31,200.00	
For salaries, watchmen	28,610.00	40	38,530.00	41	28,610.00	40
contingent expenses	700.00		1,000.00		1,000.00	
Total, Public Buildings and Grounds	74,850.00	48	85,670.00	49	75,150.00	48

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
State, War, and Navy building.						
For salaries	$110,520.00	199	$112,500.00	201	$112,040.00	201
For salaries, Mills Building			14,220.00	26	14,220.00	26
For salaries, State Department annex			4,200.00	8	660.00	1
contingent expenses	33,000.00		34,000.00		34,000.00	
renewing heating, lighting, and power plant of State, War, and Navy Department building	109,000.00					
Total, State, War, and Navy building	252,520.00	199	164,920.00	235	160,920.00	228
Navy Department.						
For salaries, Secretary's office	68,420.00	48	71,980.00	47	69,660.00	46
service in rented building	14,860.00	27	14,860.00	27		
contingent expenses	40,000.00		50,000.00		40,000.00	
rent	24,500.00		24,500.00		24,500.00	
fuel, lights, etc., building for Navy Department	5,500.00		5,500.00			
For salaries, library of the Navy Department	3,980.00	4	4,180.00	4	3,980.00	4
professional books and periodicals	2,000.00		2,000.00		2,000.00	
For salaries, office naval records of the rebellion	14,340.00	12	16,640.00	13	15,740.00	13
publication of naval records	21,000.00		21,000.00		21,000.00	
For salaries, office of Judge-Advocate-General	21,160.00	15	28,760.00	19	23,060.00	16
books of reference, etc			100.00			
For salaries, Bureau of Navigation	73,360.00	68	85,080.00	72	75,100.00	70
For salaries, office of Naval Intelligence	11,360.00	10	12,100.00	10	12,100.00	11
For salaries, Bureau of Equipment	26,040.00	23	37,320.00	29	28,700.00	26
For salaries, Hydrographic Office	102,000.00	88	106,600.00	88	102,000.00	88
miscellaneous expenses	7,000.00		7,000.00		7,000.00	
contingent expenses of branch offices	30,500.00		30,500.00		28,960.00	

Monthly Pilot Chart, North Pacific	2,000.00		2,000.00		2,000.00	
For salaries, Naval Observatory	41,640.00	40	45,240.00	40	41,640.00	40
contingent and miscellaneous expenses	17,750.00		21,250.00		17,750.00	
repairs to main building			5,000.00		5,000.00	
house for alt-azimuth instrument	3,000.00					
For salaries, Nautical Almanac Office	15,240.00	13	17,340.00	13	15,240.00	13
pay of computers on piecework	6,000.00		6,000.00		6,000.00	
For salaries, Bureau of Steam Engineering	22,180.00	21	29,340.00	25	23,980.00	22
For salaries, Bureau of Construction and Repair	52,480.00	52	59,520.00	55	57,800.00	56
For salaries, Bureau of Ordnance	31,360.00	28	36,080.00	30	31,360.00	28
For salaries, Bureau of Supplies and Accounts	93,080.00	85	112,360.00	94	100,620.00	90
For salaries, Bureau of Medicine and Surgery	17,340.00	16	19,640.00	17	17,340.00	16
For salaries, Bureau of Yards and Docks	18,680.00	17	18,020.00	16	18,940.00	18
Total, Navy Department	786,770.00	567	889,910.00	599	791,070.00	557
Department of the Interior.						
For salaries, Secretary's office	357,890.00	274	451,680.00	413	283,090.00	223
additional employees, custody of old post-office building	39,380.00	56			39,380.00	56
For salaries, Assistant Attorney-General's office	49,850.00	24			49,850.00	24
For expenses, special land inspector	2,000.00					
expenses, special inspectors	10,000.00		16,000.00		16,000.00	
expenses, confidential agents			10,000.00			
contingent expenses	105,000.00		115,000.00		115,000 00	
stationery	60,000.00		68,000.00		60,000.00	
scientific books	1,000.00		1,000.00		1,000.00	
rent of buildings	59,400.00		54,900.00		41,400.00	
postage to Postal-Union countries	4,200.00		3,000.00		3,000.00	
For salaries, General Land Office	560,900.00	427	598,320.00	419	572,100.00	436
expenses of inspectors	7,000.00		8,000.00		7,000.00	
law books for library	200.00		500.00		400.00	
maps of the United States	19,160.00		23,333.33		20,000.00	
separate State and Territorial maps	1,250.00		1,250.00		1,250.00	
For salaries of mine inspectors	4,000.00	2			4,000.00	2
expenses of mine inspectors	3,350.00				3,350.00	
For salaries, Indian Office	197,720.00	157	225,840.00	172	220,370.00	176
For salaries, Pension Office	1,703,250.00	1,339	1,579,660.00	1,193	1,606,820.00	1,245
expenses, special examiners	300,000.00		300,000.00		250,000.00	
salaries, special examiners	162,500.00	125	130,000.00	100	130,000.00	100

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Department of the Interior—Continued.						
For salaries, Patent Office	$969,150.00	821	$1,371,610.00	917	$1,131,310.00	886
scientific library	2,500.00		2,500.00		2,500.00	
law books for library	500.00		500.00		500.00	
producing Gazette	160,000.00					
producing copies of drawings	140,000.00		140,000.00		140,000.00	
investigating public use of inventions	250.00		250.00		250.00	
international bureau of Berne	750.00		750.00		750.00	
For salaries, Bureau of Education	55,500.00	45	56,940.00	41	57,000.00	45
educational investigations, salaries and expenses			20,000.00			
books for library	250.00		2,000.00		250.00	
collecting statistics	4,000.00		12,000.00		4,000.00	
distributing documents	2,500.00		2,500.00		2,500.00	
For salaries, office of Superintendent of the Capitol	24,424.00	20	24,424.00	20	24,724.00	20
Total, Department of the Interior	5,007,874.00	3,290	5,219,957.33	3,275	4,792,294.00	3,213
Surveyors-general.						
For salaries	34,300.00	17	40,800.00	14	29,600.00	14
clerk hire	134,280.00		134,775.00		126,475.00	
contingent expenses	20,125.00		18,900.00		17,800.00	
Total, surveyors-general	188,705.00	17	194,475.00	14	173,875.00	14

Post-Office Department.						
For salaries, Postmaster-General's office	168,190.00	210	178,230.00	217	170,190.00	211
salaries, division of post-office inspectors	90,620.00	74	94,450.00	74	90,620.00	74
salaries, division of purchasing agent	16,420.00	10	18,420.00	12	17,420.00	11
salaries, division of Assistant Attorney-General	15,670.00	10	21,390.00	14	15,670.00	10
For salaries, First Assistant Postmaster-General's office	82,050.00	59	90,800.00	64	88,250.00	64
salaries, division of appointments	63,880.00	44	63,880.00	44	63,880.00	44
salaries, division of city delivery	28,300.00	22	35,550.00	27	28,300.00	22
For salaries, Second Assistant Postmaster-General's office	219,090.00	155	234,820.00	164	222,390.00	157
division of railway mail service	38,500.00	25	40,400.00	26	40,400.00	26
For salaries, Third Assistant Postmaster-General's office	248,410.00	192	270,970.00	203	255,270.00	197
per diem allowance, registry system	10,000.00	.....	10,000.00	.....	10,000.00	.....
per diem allowance, classification division	7,000.00	.....	10,000.00	.....	7,000.00	.....
salaries, division of money orders	69,110.00	56	84,710.00	66	73,310.00	59
per diem allowance, money-order division	.....	.....	10,000.00	.....	.....	.....
For salaries, Fourth Assistant Postmaster-General's office	154,440.00	134	160,140.00	128	147,840.00	127
salaries, division of dead letters	159,620.00	155	182,800.00	177	171,180.00	166
salaries, division of supplies	101,520.00	101	98,760.00	92	92,100.00	90
salaries, division of topography	47,090.00	38	51,160.00	39	47,090.00	38
contingent expenses	93,850.00	.....	106,150.00	.....	98,850.00	.....
rent of buildings	3,500.00	.....	3,500.00	.....	3,500.00	.....
official postal guide	25,000.00	.....	25,000.00	.....	25,000.00	.....
post-route maps	23,500.00	.....	31,000.00	.....	31,000.00	.....
postage to postal-union countries	750.00	.....	750.00	.....	750.00	.....
Total, Post-Office Department	1,666,510.00	1,285	1,822,880.00	1,347	1,700,010.00	1,296
Department of Justice.						
For salaries, Attorney-General's office	232,860.00	134	401,890.00	1	234,660.00	135
salaries transferred from appropriations in sundry civil act, 1908	125,240.00	68	.....	.....	125,240.00	68
rent and contingent expenses (including, for 1908, $5,800 in sundry civil act for 1908)	56,400.00	.....	59,900.00	.....	56,900.00	.....
For salaries, office of the Solicitor of the Treasury	28,480.00	15	23,980.00	14	28,480.00	15
contingent expenses	300.00	.....	.....	.....	300.00	.....

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Department of the Interior—Continued.						
For salaries, Patent Office	$969,150.00	821	$1,371,610.00	917	$1,131,310.00	886
scientific library	2,500.00		2,500.00		2,500.00	
law books for library	500.00		500.00		500.00	
producing Gazette	160,000.00					
producing copies of drawings	140,000.00		140,000.00		140,000.00	
investigating public use of inventions	250.00		250.00		250.00	
international bureau of Berne	750.00		750.00		750.00	
For salaries, Bureau of Education	55,500.00	45	56,940.00	41	57,000.00	45
educational investigations, salaries and expenses			20,000.00			
books for library	250.00		2,000.00		250.00	
collecting statistics	4,000.00		12,000.00		4,000.00	
distributing documents	2,500.00		2,500.00		2,500.00	
For salaries, office of Superintendent of the Capitol	24,424.00	20	24,424.00	20	24,724.00	20
Total, Department of the Interior	5,007,874.00	3,290	5,219,957.33	3,275	4,792,294.00	3,213
Surveyors-general.						
For salaries	34,300.00	17	40,800.00	14	29,600.00	14
clerk hire	134,280.00		134,775.00		126,475.00	
contingent expenses	20,125.00		18,900.00		17,800.00	
Total, surveyors-general	188,705.00	17	194,475.00	14	173,875.00	14

Post-Office Department.						
For salaries, Postmaster-General's office	168,190.00	210	178,230.00	217	170,190.00	211
salaries, division of post-office inspectors	90,620.00	74	94,450.00	74	90,620.00	74
salaries, division of purchasing agent	16,420.00	10	18,420.00	12	17,420.00	11
salaries, division of Assistant Attorney-General	15,670.00	10	21,390.00	14	15,670.00	10
For salaries, First Assistant Postmaster-General's office	82,050.00	59	90,800.00	64	88,250.00	64
salaries, division of appointments	63,880.00	44	63,880.00	44	63,880.00	44
salaries, division of city delivery	28,300.00	22	35,550.00	27	28,300.00	22
For salaries, Second Assistant Postmaster-General's office	219,090.00	155	234,820.00	164	222,390.00	157
division of railway mail service	38,500.00	25	40,400.00	26	40,400.00	26
For salaries, Third Assistant Postmaster-General's office	248,410.00	192	270,970.00	203	255,270.00	197
per diem allowance, registry system	10,000.00		10,000.00		10,000.00	
per diem allowance, classification division	7,000.00		10,000.00		7,000.00	
salaries, division of money orders	69,110.00	56	84,710.00	66	73,310.00	59
per diem allowance, money-order division			10,000.00			
For salaries, Fourth Assistant Postmaster-General's office	154,440.00	134	160,140.00	128	147,840.00	127
salaries, division of dead letters	159,620.00	155	182,800.00	177	171,180.00	166
salaries, division of supplies	101,520.00	101	98,760.00	92	92,100.00	90
salaries, division of topography	47,090.00	38	51,160.00	39	47,090.00	38
contingent expenses	93,850.00		106,150.00		98,850.00	
rent of buildings	3,500.00		3,500.00		3,500.00	
official postal guide	25,000.00		25,000.00		25,000.00	
post-route maps	23,500.00		31,000.00		31,000.00	
postage to postal-union countries	750.00		750.00		750.00	
Total, Post-Office Department	1,666,510.00	1,285	1,822,880.00	1,347	1,700,010.00	1,296
Department of Justice.						
For salaries, Attorney-General's office	232,860.00	134	401,890.00	1	234,660.00	135
salaries transferred from appropriations in sundry civil act, 1908	125,240.00	68			125,240.00	68
rent and contingent expenses (including, for 1908, $5,800 in sundry civil act for 1908)	56,400.00		59,900.00		56,900.00	
For salaries, office of the Solicitor of the Treasury	28,480.00	15	23,980.00	14	28,480.00	15
contingent expenses	300.00				300.00	

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Department of Justice—Continued.						
For salaries, office of the Solicitor of the Department of Commerce and Labor	$22,190.00	13	$17,940.00	12	$22,190.00	13
Total, Department of Justice	465,470.00	230	503,710.00	243	467,770.00	231
Department of Commerce and Labor.						
For salaries, Secretary's office	155,840.00	137	157,590.00	137	156,840.00	137
special agents	50,000.00		50,000.00		35,000.00	
contingent expenses	60,000.00		60,000.00		50,000.00	
rent	31,719.80		50,719.80		50,000.00	
For salaries, Bureau of Corporations	72,720.00	59	73,700.00	60	72,720.00	59
salaries and per diem of special agents	175,000.00		175,000.00		175,000.00	
For salaries, Bureau of Manufactures	31,000.00	24	34,640.00	27	31,000.00	24
foreign tariffs, collating and arrangement of	5,500.00		7,500.00		5,500.00	80
For salaries, Bureau of Labor	107,480.00	80	107,480.00	80	107,480.00	
per diem expenses of special agents	64,090.00		64,090.00		64,090.00	
books, periodicals, etc	1,000.00		1,000.00		1,000.00	
investigation of condition of women and child workers (including, for 1908, $150,000 in sundry civil act)	150,000.00		150,000.00		150,000.00	
For salaries, Light-House Board	46,640.00	39	49,960.00	41	48,320.00	41
For salaries, Census Office	706,860.00	636	718,500.00	634	706,860.00	636
special agents and expenses of same	525,000.00		355,000.00		355,000.00	
rent	22,080.00		22,080.00		22,080.00	
stationery	6,000.00		8,000.00		8,000.00	
miscellaneous expenses	15,000.00		20,000.00		20,000.00	
library	1,000.00		1,500.00		1,000.00	
tabulating statistics, Bureau of the Census	30,000.00		40,000.00		40,000.00	

For salaries, Bureau of Statistics	70,110.00	55	88,910.00	63	70,110.00	55
collecting statistics relative to commerce	4,000.00					
For salaries, office of Supervising Inspector-General, Steamboat-Inspection Service (payable from permanent appropriation)						
For salaries, Bureau of Navigation	32,260.00	23	32,380.00	23	32,380.00	23
For salaries, Bureau of Immigration and Naturalization (payable from permanent appropriation)						
For salaries, Division of Naturalization, Bureau of Immigration and Naturalization (including, for 1908, $36,960 in the sundry civil act)	36,960.00	24	40,300.00	29	39,460.00	28
per diem salaries and expenses			166,500.00			
For salaries, Division of Information, Bureau of Immigration and Naturalization (payable from permanent appropriation)						
For salaries, Bureau of Standards	130,620.00	110	149,660.00	121	139,940.00	118
materials and apparatus	40,000.00		40,000.00		40,000.00	
repairs and alterations	1,000.00		1,000.00		1,000.00	
laboratory building			50,000.00		50,000.00	
additional land			60,000.00			
special investigations			4,500.00			
tool and storage building			2,500.00			
fuel, heat, light, power, and contingent	15,000.00		15,000.00		15,000.00	
grading roads, etc	3,000.00		3,000.00		3,000.00	
Total, Department of Commerce and Labor	2,589,879.80	1,187	2,800,509.80	1,215	2,490,780.00	1,201
Judicial.						
Supreme Court:						
Salaries, Chief Justice and associate justices	113,000.00	9	113,000.00	9	113,000.00	9
Salary of marshal	3,500.00	1	3,500.00	1	3,500.00	1
Salary of stenographic clerks	14,400.00	9	14,400.00	9	14,400.00	9
Circuit courts:						
Salaries, circuit judges	203,000.00	29	203,000.00	29	203,000.00	29
Salaries, clerks	31,500.00	9	31,500.00	9	31,500.00	9
Messenger	3,000.00	1	3,000.00	1	3,000.00	1
District court:						
Salaries of district judges (including, for 1908, $30,000 in deficiency act)	504,000.00	84	510,000.00	85	510,000.00	85

Legislative, executive, and judicial appropriation bill, 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Judicial—Continued.						
District court—Continued.						
Salaries of judges, United States court in Indian Territory	$40,000.00	8				
Salaries, judge, clerk, and reporter, Territory of Hawaii	9,200.00	3	$9,200.00	3	$9,200.00	3
Retired judges:						
Salaries of United States judges, retired (indefinite)						
Court of Appeals, District of Columbia:						
Salaries of chief justice and associate justices	21,500.00	3	21,500.00	3	21,500.00	3
Salary of clerk	3,250.00	1	4,000.00	1	3,250.00	1
Salary of assistant clerk	2,250.00	1	2,500.00	1	2,250.00	1
Salary of reporter	1,500.00	1	1,500.00	1	1,500.00	1
Salary of crier	1,000.00	1	1,200.00	1	1,000.00	1
Salary of messenger	720.00	1	720.00	1	720.00	1
Clerical assistance	800.00		800.00		800.00	
Salaries of stenographers	2,700.00	3	2,700.00	3	2,700.00	3
Supreme court, District of Columbia:						
Salaries of chief justice and associate judges	36,000.00	6	36,000.00	6	36,000.00	6
Salaries of stenographers	5,400.00	6	5,400.00	6	5,400.00	6
Clerk district court, northern district of Illinois	3,000.00	1	3,000.00	1	3,000.00	1
Commissioner, Yellowstone Park	1,500.00	1	1,500.00	1	1,500.00	1
Books for libraries of circuit courts	9,500.00		9,500.00		9,500.00	
Total, judicial	1,010,720.00	178	977,920.00	171	976,720.00	171
Court of Claims.						
For salaries	55,820.00	28	56,560.00	28	55,820.00	28
secretary to the chief justice			1,800.00	1		
employment of auditors	8,000.00		8,000.00		6,000.00	1

stationery and contingent expenses	3,900.00	--------	4,400.00	--------	4,400.00	--------
reporting decisions	1,000.00	--------	1,000.00	--------	1,000.00	--------
custodian of building	500.00	1	500.00	1	500.00	1
Total, Court of Claims	69,220.00	29	72,260.00	30	67,720.00	30
Grand total	32,406,493.80	14,791	34,210,716.13	15,159	32,336,573.00	14,818

NOTE.—Total increase in amount of estimates, 1909, over appropriations for 1908 ..... $1,804,222.33

Net increase in number of salaries estimated, 1909, over appropriations for 1908 368

Net decrease in amount of this bill under estimates for 1909 ..... $1,874,143.13

Net decrease in number of salaries in this bill under estimates for 1909 341

Net lecrease in amount of this bill over appropriations for 1908 ..... $69,920.80

Net increase in number of salaries in this bill over appropriations for 1908 27

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 795.

SALE OF LARGE-GROWTH AND MATURED TIMBER ON LANDS HERETOFORE GRANTED TO NEW MEXICO.

FEBRUARY 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 16277.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 16277) to provide for the sale of large-growth and matured timber on lands heretofore granted to the Territory of New Mexico, and for other purposes, report the same back with the following amendments:

Strike out all of page 1 of the bill after the enacting clause, and all of line 1, page 2, down to and including the word "provided."

Strike out the word "by" at the end of line 3, and the words "said act" in line 4, page 2, and insert "under the provisions of an act entitled 'an act to make certain grants of land to the Territory of New Mexico, and for other purposes,' approved June 21, 1898."

In line 22, page 2, after the word "remove" insert the words "under his supervision;" and on the same line, between the words "the" and "matured," insert the words "present growth of," so that the sentence will read:

The commissioner of public lands of the Territory shall grant to said holders of the record title, without further consideration, the right to cut and remove under his supervision the present growth of matured and large-growth timber upon the lands respectively conveyed by them to the Territory of New Mexico, together with all necessary rights for harvesting the same.

And as thus amended it is recommended that the bill do pass.

The necessity for this legislation is clearly indicated in a letter from the Secretary of the Interior attached hereto and made a part of this report, and in which the Secretary calls attention to the present condition of affairs surrounding the cutting of timber on certain lands leased and sold by the Territorial authorities.

While section 10 of the act of June 21, 1898 (Stat. L., vol. 30, p. 485), seems to have been intended to prohibit the cutting of timber on

the school and university lands, the Territorial authorities did, however, contract for the sale of the matured timber on about 30,000 acres of land, and this timber is now being cut. This timber was sold at $2.50 per acre, and the Secretary of the Interior is of the opinion that $3 per acre was a reasonable price for the timber on these lands at the time the contracts were made.

It is proposed by this legislation to authorize the parties who made these contracts with the Territory to continue the cutting of timber on these lands upon the payment of the additional sum of 50 cents per acre, and the contracts are validated and confirmed as to these lands.

Some 30,000 acres of land were sold by the Territorial authorities under the provisions of section 9 of the above act, but it is claimed by the Government that the spirit of the law was violated in these sales by reason of the fact that in many instances the applicants to purchase 160 acres each appeared on behalf and in the interest of lumber corporations. Lumbering operations have been going on for some time on these lands, and inasmuch as the lumber is needed for development purposes in the Territory, it is deemed best to provide for the continuation of the cutting under proper regulations, provided that the present claimants and holders agree to reconvey to the Territory title to the land.

The effect of the legislation is therefore briefly to validate contracts heretofore made for the sale of timber on 30,000 acres of land upon the payment of an additional 50 cents an acre.

Section 2 provides for a reconveyance to the Territory of the title to about 70,000 acres of land, giving the present claimants and holders the right to cut the present growth of matured timber under careful supervision.

Section 3 authorizes the Territory of New Mexico to select nonmineral, nontimbered lands in other parts of the Territory for the lands reconveyed where the same are within national forest reserves.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1908.

SIR: I am in receipt of your letter of February 5, 1908, transmitting copy of H. R. 16277, and requesting an early report thereon.

The purpose of the bill is to permit the Territory of New Mexico to sell the large growth and matured timber on any of the lands granted to the Territory by the act of June 21, 1898 (30 Stat., 484), and to afford relief to those who have heretofore acquired by contract, or attempted purchase from the Territory, some colorable right or title in or to the lands.

Under the provisions of the act of June 21, 1898, the lands granted to the Territory for schools and the two townships granted for university purposes, can not be sold by the Territory, but can be leased in tracts not exceeding one section to any one person, corporation, or association of persons, but it is "unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased." The remaining lands granted to the Territory under the act are subject to sale by the Territory, but not more than one quarter section of land can be sold to any one person, corporation, or association of persons.

The Territory has selected and had approved to it large areas of lands chiefly valuable for their timber, which have since been included in National Forrests, and under a supposed or claimed right the officers of the Territory have granted four contracts for the cutting of the large growth and matured timber thereon at the price of $2.50 per acre. These tracts are all in excess of the area that can legally be leased or sold to any one person, corporation, or association of persons, and some embrace school and university lands, the timber of which constitutes a part of the realty and can not be sold (31 L. D., 188).

Sales have also been made in numerous instances to applicants for tracts for 160 acres each, the applicants appearing in the interests of corporations that actually paid the Territory for the land and immediately took over the applicants' interests.

Suits have been filed by the United States to annul all of these contracts and sales and are now pending in the United States courts of the several districts of New Mexico.

The Department recognizes the necessity for legislation that will permit, under suitable restrictions, the sale of the large growth and matured timber on the lands granted the Territory in tracts exceeding 160 acres; otherwise the land chiefly valuable for its timber will be of no practicable benefit to the institutions for which it was selected, and legislation to that end is urged, as all of the Territorial institutions are in need of the revenue that can be derived from that source.

In granting to the Territory the right to dispose of its timbered lands as provided, I think it eminently proper to afford relief to those who have heretofore been operating under contracts with the Territory, even though the Territorial authorities had no legal authority to make the contracts. An examination of these lands in the field convinces me that the timber on the lands at the time these contracts were made was reasonably worth $3 per acre, and the institutions should receive that amount before the contracts are ratified.

As to the lands that were acquired through intermediary applicants, the title should clearly be reinvested in the Territory for the use of the institutions for which they were granted. In view of the fact that the present holders of the record title have paid to the Territory $3 per acre, and have expressed a willingness to reconvey their title to the land to the Territory if permitted to cut the timber thereon, I believe that equitable consideration of their case justifies and the best interests of the Territory demand such adjudication rather than prolonged litigation that will disturb material interests of the Territory.

The acreage of lands embraced in the contracts and sales is approximately 100,000 acres, of which about 90,000 acres are within established national forests. The conditions under which the timber has heretofore been harvested and the situation of the lands render them peculiarly valuable for forest purposes, and where practicable they should be made a part of the national forests.

The bill, as a whole, meets my approval and, in the interests of the Territory, I recommend its early enactment.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Public Lands Committee, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 888.

EXTENDING TO CERTAIN COUNTIES OF CALIFORNIA ACT FOR ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

FEBRUARY 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

MR. SMITH, of California, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 11778.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," submit the following report:

The Fifty-ninth Congress enacted a law providing that when the Secretary of Agriculture shall indicate that lands within the forest reserves are more valuable for agricultural than for forestry purposes the same may be entered as other public lands. That law was not made operative in the counties mentioned in this bill, but it is now the judgment of the Forestry Department, as well as the Committee on the Public Lands, that its terms should apply to the counties herein mentioned, and such is the purpose, and the only purpose, of this bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 889.

URGENT DEFICIENCY APPROPRIATION BILL.

FEBRUARY 12, 1908.—Ordered to be printed.

Mr. TAWNEY, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 14766.]

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows:

After the word "Treasury," at the end of said amendment, insert the following:

Whenever any defendant in the case herein described makes affidavit setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

All witnesses subpœnaed and appearing for the Government and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual reasonable expenses of travel incurred in coming from and returning to their places of residence, which said actual expenses shall be sworn to and shall be subject to the inspection, revision, and approval of the court, and shall be in lieu of mileage now authorized by law to witnesses in other cases, and the tender of a sum sufficient to cover such actual ex-

penses and the per diem fees shall be as effective for all purposes as the tender of mileage and per diem now allowed by law.

And the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: "*To pay balance due the Atlanta Machine Works, of Atlanta, Georgia, four hundred and twenty-eight dollars and two cents;*" and the Senate agree to the same.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriation to supply urgent deficiencies submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment numbered 5. Strikes out the appropriation of $1,875 proposed by the Senate for payment to J. H. Bankhead as a member of the Inland Waterways Commission.

On amendment numbered 11. Inserts the provision proposed by the Senate relating to the Hyde, Dimond, Benson, and Schneider case, and adds a further provision authorizing the payment of witnesses on the part of the defense under certain conditions and in the discretion of the court, and also providing that all witnesses in the case, both for the Government and the defense, shall receive, in addition to their per diem fees, only actual traveling expenses instead of mileage, as provided by law in other cases.

On amendment numbered 26. Provides for the payment of $428.02 as a balance due the Atlanta Machine Works of Atlanta, Ga., instead of that sum of money claimed as interest on the principal of a judgment rendered in their behalf by the United States court at Atlanta, Ga.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the Part of the House.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 891.

RESTORING CERTAIN LAND IN MINNESOTA TO PUBLIC DOMAIN.

FEBRUARY 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FRENCH, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 2495.]

The Committee on the Public Lands, to whom was referred the bill (S. 2495) restoring a certain tract of land in the State of Minnesota to the public domain, having had the same under consideration beg leave to report it back with the recommendation that it do pass.

The bill was referred to the Secretary of the Interior and, at the suggestion of that official, to the Secretary of War, their reports being embodied in the letters hereto attached. No objection to the legislation is found, and your committee unanimously recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, December 21, 1907.

GENTLEMEN: I have the honor to acknowledge the receipt, at the hands of the clerk of your committee, of Senate bill No. 2495, requesting that the committee be furnished with such facts and information as may be in the possession of this Department touching the subject-matter of the proposed legislation.

The bill provides—

"That the following-described land, to wit, the southeast quarter of the northwest quarter of section thirty, in township one hundred and thirty-four north, of range twenty-nine west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however*, That any homestead entry of said land, or final certificate or patent that may be issued therefor, shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam."

I have to advise you that the land described, together with other lands, was reserved by the President August 11, 1895, upon the request of the Acting Secretary

of War, for the use of the United States in connection with the construction and maintenance of Gull Lake reservoir, headwaters of the Mississippi River, and that the same appears upon the tract books in the General Land Office as still in reservation.

I have no recommendation to make concerning this bill, because it seems to be a matter in which the War Department is most directly interested.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS,
Washington. January 23, 1908.

SIR: I have the honor to return herewith a letter, dated the 15th instant, from the Senate Committee on Public Lands, inclosing for the views of the War Department thereon S. 2495, Sixtieth Congress, first session, "A bill restoring a certain tract of public land in the State of Minnesota to the public domain."

The land described in the bill was reserved by Executive proclamation for the use of the War Department in connection with the construction of reservoirs at the headwaters of the Mississippi River, and it is now proposed to restore it to the public domain, subject to homestead entry. In view of the fact that the bill provides that any homestead entry of said land or final certificate or patent that may be issued therefor shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake, and to flood any part of said land by means of said dam, I am of opinion that the public interests are sufficiently safeguarded, and I know of no objection to the favorable consideration of the bill by Congress.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 893.

APPEAL ON QUESTIONS OF LAW IN NATURALIZATION CASES.

FEBRUARY 12, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HAYES, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 16652.]

The Committee on Immigration and Naturalization, to whom was referred House bill 16652, report the said bill to the House, with the recommendation that it be amended by inserting in line 12 of page 1, between the word "appeal" and the word "on," the words "from such order," and that when so amended the bill do pass.

In the opinion of the Bureau of Naturalization and of the Committee on Immigration and Naturalization, the need for the passage of this amendment to the naturalization law is imperative. Many of the provisions of the law are new, and it has been found in practice that one court will administer the law in one way and another court in some other part of the country in an entirely different way. By giving the right of appeal on questions of law, as this bill undertakes to do, the law will soon be settled, thus giving, in fact, the uniformity in the naturalization of aliens, which was one of the expressed purposes of the act of June 29, 1906.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 894.

CALLING FOR INFORMATION BEARING UPON LABOR CONDITIONS.

FEBRUARY 13, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GARDNER, of New Jersey, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. Res. No. 228.]

The Committee on Labor, to whom was referred the House resolution (H. Res. No. 228) calling for information of the Attorney-General bearing upon labor conditions in various sections of the country, beg leave to submit the following report, and recommend that said resolution do pass without amendment.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 896.

SELECTION OF INDEMNITY LANDS BY NEW MEXICO.

FEBRUARY 13, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HALL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 9205.]

The Committee on the Public Lands having had under consideration the bill (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stat., p. 796), applicable to the Territory of New Mexico, report the same back with the recommendation that the same do pass.

The purpose of this bill is to enable the Territory of New Mexico to select indemnity lands in lieu of sections 16 and 36 granted to the Territory for school purposes by the act of June 21, 1898 (30 Stat. L., 484), from any of the unappropriated nonmineral lands within the Territory in the same manner as is now authorized to be done by other States and Territories under the provisions of section 2275, Revised Statutes, as amended by the act of February 28, 1891 (26 Stat. L., 796). The necessity for such legislation arises from the fact that, whereas, under the general act above mentioned, applying to the States and Territories generally, enacted in 1891, such indemnity lands may be selected anywhere in the State or Territory. The act of June 21, 1898, supra, contained no provision making the act of 1891 applicable to the grant to the Territory of New Mexico and did contain words of limitation which seriously impair the rights of the Territory in making selection of such indemnity lands, by providing that the Territory might select only "other nonmineral lands equivalent thereto in legal subdivisions of not less than one-quarter section and as contiguous as may be to the section in lieu of which the same is taken."

The effect of the above-quoted words, "as contiguous as may be," is in many instances to defeat the purpose of the provision authorizing indemnity land to be taken; for example, where there is no unappropriated land continguous to or in the immediate vicinity of sections 16 and 36, which have been appropriated in such manner as to deprive

the Territory thereof. By making the general act of 1891 applicable to New Mexico it will remove this obstacle and place the Territory on a parity with all other States and Territories in the selection of its lieu lands.

Hereto annexed and made a part of this report is a communication from the Secretary of the Interior in relation to this bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of February 7, 1908, inclosing a copy of H. R. 9205, Sixtieth Congress, first session, which proposes to extend to the Territory of New Mexico the provisions of the act of February 28, 1891 (26 Stats., 796), relative to the grant of land for common schools and the method of procuring indemnity therefor. The committee desires an expression of opinion in regard to the bill, as well as a statement as to its effect.

I have the honor to advise you that while the act of February 28, 1891 (supra), is general in its nature, being in terms an amendment of section 2275 of the Revised Statutes, it is not clearly applicable to the Territory of New Mexico, owing to the fact that the common school grant to the Territory was not made until June 21, 1898, and the act of that date (30 Stats., 484) contained no provision making the act of 1891 applicable to the grant to the Territory. Hence all the facilities of adjustment afforded by the general law to all the States have not been extended to New Mexico.

The effect of the proposed legislation would be to place the Territory of New Mexico on an equality with the States in the matter of selecting indemnity for sections 16 and 36, when she has lost the same in place by reason of the fact that other disposition was made of such sections prior to the vesting of title in the Territory.

I see no reason for withholding from New Mexico the privileges granted the public-land States generally by the act of 1891, and would therefore recommend the enactment of the proposed legislation.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 897.

DAM ACROSS WHITE RIVER NEAR DECKER, IND.

FEBRUARY 13, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 16956.]

The Committée on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, Knox County, Ind., having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 6 strike out the word "on."

Strike out all of line 7.

Strike out all of line 8 after the word "point."

Strike out all of line 9 up to and including the word "Gibson."

After the word "point" in line 8 insert the words "near the village of Decker, Knox County."

This bill as amended is identical with H. R. 16099 after it was amended by the War Department and to which the report of the Secretary of War and Chief of Engineers refers.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 8, 1908.

Respectfully returned to the Secretary of War, with recommendation that the accompanying bill, H. R. 16099, Sixtieth Congress, first session, to authorize the construction of a dam across White River, Indiana, be amended as indicated in red thereon.

As thus amended, I know of no objection to the favorable consideration of the bill by Congress, so far as the interests of navigation are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 10, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the forgoing report of the Chief of Engineers, U. S. Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Acting Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 898.

REFERRING PART OF PRESIDENT'S MESSAGE AND BILLS RELATING TO ACQUISITION OF LANDS IN SOUTHERN APPALACHIAN AND WHITE MOUNTAINS TO HOUSE JUDICIARY COMMITTEE.

FEBRUARY 14, 1908.—Ordered to be printed.

Mr. SHERMAN, from the Committee on Rules, submitted the following

REPORT.

[To accompany H. Res. No. 208.]

The Committee on Rules, to whom was referred the resolution of the House No. 208, have had the same under consideration and report it herewith, with the recommendation that the House do agree to it.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 899.

RATIFYING ACT OF LEGISLATIVE ASSEMBLY OF ARIZONA FOR COURT-HOUSE AND JAIL AT YUMA.

FEBRUARY 14, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 16964.]

The Committee on the Territories, to which was referred House bill 16964, have considered the same and recommend that the bill pass.

The county of Yuma, in Arizona, has entirely outgrown the rude building heretofore used as a court-house, and the said building is inadequate for such purpose. It is a small, adobe one-story building, utterly lacking in space to carry on the business, which is rapidly growing, and is situated near the railroad track, where the noise of passing and switching engines prevents the quiet and orderly conduct of the court. Besides, the records of the county are in daily peril of destruction by fire, and no sufficient vault is had for the safe-keeping of the public funds.

Recognizing the necessity for a court-house and jail in said county, the legislative assembly of Arizona authorized the board of supervisors of said county to issue bonds of said county in the sum of $75,000 for the purposes above set out; said act of the legislature specifically sets forth the character and description of said bonds and carefully safeguards the money to be derived from the sale of the same. The bonds are payable thirty-five years after date, with interest at the rate of 5 per cent per annum payable semiannually. The bonds can not be sold at less than their par value. Full provision is made for the payment of interest as it matures and a sinking fund is provided for the payment of the bonds at maturity. The bonds will not bring their value, and in fact can not be lawfully issued, without the action of Congress.

Your committee therefore recommend that the bill do pass.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 900.

PRESENTATION OF STATUE OF WASHINGTON, NOW LOCATED IN CAPITOL GROUNDS, TO SMITHSONIAN INSTITUTION.

FEBRUARY 14, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCALL, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 124.]

The Committee on the Library, to whom was referred House joint resolution (H. J. Res. 124), authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, have considered the same and report that the said resolution should be amended by striking out all after the word "Institution" in the fifth line thereof, and that as amended the said resolution ought to pass.

The statue of Washington referred to by the resolution was authorized by act of Congress July 14, 1832, and it was designed to be placed in the center of the Rotunda of the Capitol. Subsequently it was ordered removed to the east of the Capitol.

The statue is the work of Horatio Greenough, a sculptor of eminence in his time. It was not designed for an outdoor work, and in its present location the seminude figure of Washington excites pity rather than admiration.

The committee are informed that the Regents of the Smithsonian Institution desire to have the statue and that they will give it a suitable location.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 956.

FILLING VACANCY IN BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

FEBRUARY 15, 1908.—Ordered to be printed.

Mr. MCCALL, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 139.]

The Committee on the Library, to whom was referred the accompanying communication, bearing date January 22, 1908, from Charles D. Walcott, secretary of the Smithsonian Institution, to the Speaker of the House of Representatives, with reference to the resignation of Mr. Richard Olney of Massachusetts as a Regent of the Smithsonian Institution, respectfully recommend that the vacancy be filled by the appointment of Charles F. Choate, jr., a citizen of Massachusetts, and that the accompanying joint resolution, of which the following is a copy, ought to pass:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the vacancy in the Board of Regents of the Smithsonian Institution of the class 'other than Members of Congress' shall be filled by the appointment of Charles F. Choate, junior, a citizen of Massachusetts."

SMITHSONIAN INSTITUTION,
Washington, January 22, 1908.

SIR: I have the honor to inform you that at a meeting of the Board of Regents of the Smithsonian Institution held this date the resignation of Mr. Richard Olney, of Massachusetts, a Regent appointed by joint resolution of Congress approved February 23, 1906, and whose term of appointment expires February 22, 1912, was presented.

Mr. Olney was of the class of Regents defined in section 5580 of the Revised Statutes as "persons, other than Members of Congress, two of whom shall be resident in the city of Washington and the other four shall be inhabitants of some State, but no two of them of the same State." The present Regents of this class, other than those from the city of Washington, are residents, respectively, of the States of New York, Michigan, and Delaware.

In accordance with the terms of section 5581 of the Revised Statutes, the vacancy thus created may be filled by joint resolution of Congress.

Very respectfully, yours,

CHARLES D. WALCOTT,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 957.

AMENDING IMMIGRATION LAW RELATIVE TO DEPORTATION OF ALIEN CRIMINALS.

FEBRUARY 15, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. BENNET, of New York, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 13079.]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 13079) to amend section 21 of the immigration law, submit the following report:

The bill speaks for itself. It has the approval of every member of the Immigration Commission, of the Secretary of Commerce and Labor, and of the Commissioner-General of Immigration. The machinery to carry it into effect is already provided in the immigration law. The alien criminal is simply added to the classes of those who can be deported.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 958.

TO CONTINUE ACT FOR MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

FEBRUARY 15, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WILEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 138.]

The Committee on Military Affairs, to whom was referred the resolution (H. J. Res. 138) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," report the same back to the House with the recommendation that it do pass.

This act will expire by operation of law on the 9th day of March, 1908. It appears that considerable work has been done in the way of marking the graves of Confederate soldiers and sailors who died in Northern prisons and are buried near the places where they died during the civil war, but it is estimated that it will require at least two years' longer time in which to effectuate the beneficent purpose contemplated by the original act.

The appropriation is under the charge of the War Department. The original amount appropriated was $200,000, of which $183,000 remains on hand. No additional appropriation is asked for.

The following is a statement from the Secretary of War:

[Third indorsement.]

Respectfully returned to the chairman of the Committee on Military Affairs, House of Representatives.

The purpose of the proposed joint resolution is understood to be to grant a two years' extension of the time for the completion of the work provided for by the act of March 9, 1906, and it is not understood that the proposed measure carries with it any additional appropriation.

Under the provisions of the act of March 9, 1906, a great deal of preliminary work has been done and reasonable progress made in carrying out the objects set forth therein. From present information it is estimated that there are 63 different localities, quite widely scattered, covered by the provisions of the act, and 41 of these

have been visited and the necessary data obtained, except in a few cases in which some further information will be required.

A number of the graves to be marked can only be approximately determined, but it is estimated that there are a total of from 20,000 to 25,000 of these graves. After due advertisement a contract has been made for 20,000 Confederate headstones, with the right on the part of the Government to increase or diminish the number by 50 per cent, the same to be furnished as called for by the commissioner, at the rate of 300 headstones per week. Under this contract 2,924 headstones have been delivered at Elmira, N. Y., which is all but three of the full number required for that place. These have all been set up, but considerable work remains to be done in the way of grading and getting a good growth of grass.

Inscription lists covering 2,132 headstones for Camp Chase, Columbus, Ohio, were sent to the headstone contractor September 30, 1907, and it is expected that the headstones for Camp Chase and a number of other places will be ready for delivery upon receipt of shipping orders from the commissioner in the spring.

To furnish headstones for all of the graves covered by this act would keep the headstoue contractor engaged about 85 weeks; but as 2,924 have been furnished, there would still be required about 75 weeks to deliver the total number, not allowing for the probability that the commissioner may uot be able to keep the headstone contractor supplied with orders, or be able to receive the headstones, at the rate of 300 per week as stipulated in the contract.

The "accurate registers in triplicate" required by the act have not yet been prepared for the reason that this work can not be done until all the localities have been visited and complete information obtained in regard to the graves at each of them. To do this work properly, and "to build proper fencing for the preservation of said burial grounds," as required by the act, at places where the graves are not now within the limits of a cemetery, will require several months' time.

While headstones have been placed at but one of the many places covered by the act, so much preliminary work has been done in connection with other places in the way of completing the lists of the dead, having been verified by the Adjutant-General, and getting information about these places generally, that the work can progress much more rapidly in the future. In view of the foregoing it is believed that, at least, two years longer will be necessary to finish it.

The total expenditures from the appropriation provided by the act of March 9, 1906, to and including January 21, 1908, have been $16,811.84, leaving an unexpended balance of $183,188.16.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

In view of these facts the committee are unanimously of the opinion that the said act be continued in full force and effect for two years from the date of the adoption of said resolution, and therefore report the joint resolution 138 favorably, with recommendation that the same do pass.

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60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 959.

ARMY APPROPRIATION BILL.

FEBRUARY 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 17288.]

The Committee on Military Affairs, to whom was referred the estimates for the support of the Military Establishment for the fiscal year ending June 30, 1909, submit the accompanying bill and recommend the passage of the same.

The total estimate for the Military Establishment was $94,120,988.11 and is to be found in the Book of Estimates from page 183 to 206, inclusive, and in House Documents Nos. 228, 229, 436, 469, 484, 525, 554, 602, and 605, and in letters from the Assistant Secretary of War dated January 2 and January 21, 1908.

The amount appropriated by this bill is $85,007,566.56, being a reduction of $9,113,421.55 from the estimates.

The letter from the Assistant Secretary of War dated January 2, 1907, not having been printed is made a part of this report and is as follows:

WAR DEPARTMENT,
Washington, January 2, 1908.

SIR: I have the honor to recommend that there be included in the army appropriation bill an item to the following effect:

"For completing the acquisition and construction of the rifle range at Fort Snelling, Minn., $16,324, to be immediately available."

In explanation of this request I beg to say that there has already been allotted for this range the sum of $22,430.30 from appropriation for shooting galleries for the fiscal year 1907–8, and the sum herein requested is necessary to complete the work in accordance with the Department's plans.

The demands upon the annual appropriation of $125,000 are so great that no further funds can be spared therefrom for this purpose during the current year, and it is in the interests of economy that the sum required be made promptly available, as the present contracts are nearly completed and the contractor's plant is in place, to remove and replace which would cost about $4,000. The Department is anxious to build this range at the earliest possible date in the interests of the military service.

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

There is included in the bill new legislation under the head of "The Chief of Artillery." A division of the appropriation for the Artillery School has resulted in the rearrangement of the language and the incorporation of some new language. Your committee is informed, however, that it is not an extension of what has been carried on. There is a rearrangement of the language in the Washington-Alaska military cable and telephone system appropriation, and a new provision for reimbursing officers for traveling expenses in connection with the Washington-Alaska military cable. The reason for it is fully set out in Document No. 316, as applied to all officers traveling in Alaska and the hearings of the Chief of the Signal Corps.

Under the head of "Pay of enlisted men of the Army," in all grades, a full new schedule is inserted which makes an increase of $2 a month for the enlisted men and a very material increase of the pay of noncommissioned officers. An appropriation is also made for "Extra pay of enlisted men of the Signal Corps in the Territory of Alaska." The law allows extra duty pay for work of the character desired and this appropriation is to cover it.

Under the head of "Mileage," a proviso is added for actual expenses only, not to exceed $4.50 a day for traveling expenses to officers of the Army, etc., in the Territory of Alaska.

In the Porto Rican regiment a proviso is added making the period of the enlistment of the men the same as of the Regular Army, with such modification as the President may prescribe.

In the Subsistence Department the Commissary-General has grouped all items under the head of appropriations in two classes in place of having them scattered along. The first group of items refers to the purchase and the second to payments. There is some new provision in this making an appropriation of $12,000, but it was because of furnishing food, etc., to officers and enlisted men of the Regular Army and military that may be competitors in rifle matches. The idea of this is to allow provisions to be made in advance of the assembling of those to compete in the shoot, as the same expense is now made after the assembling of the competitors, so that it is only an advance in place of waiting until all get there before being made.

Under "Horses for cavalry and artillery" are inserted the words "including reasonable provision for remounts," the committee believing that it will be a matter of economy for the Department to have the power to purchase a younger grade of horses and have them broken by proper parties, than it is at the present expensive way of securing remounts. But to avoid any possibility of this provision being construed to mean the engaging by the Government in the breeding of horses, a limitation is placed that no part of this appropriation shall be used for breeding purposes.

All that part of the appropriation heretofore made for "Transportation of the Army and its supplies" is now divided under several heads, but covering the same provisions heretofore carried under the one head.

Under the head of "shooting galleries and ranges," a provision is inserted for the expenditure of $250,000 for the purchase of about 6,000 acres of land for use as a target range, etc., for the Department of the East. The urgent necessity for this is largely set forth in Document No. 469 and in the hearings before the committee by the Secretary of War and other officers of the Department. Something

more than a year ago, at the urgent request of General Grant, commanding the Department of the East, a board of officers was appointed for the purpose of selecting a rifle range near the city of Washington. That board carefully examined a large number of places in various parts of the country contiguous to the city and made a report. The War Department then appointed a board, consisting of three general officers, to carefully go over all the data accumulated by the first board to make a final report on the matter. The selection has not as yet been determined, but the Department in its document has, we think, carefully guarded against any real estate speculation in the matter by the requirement of so large a tract of land for so small an expenditure. The necessity for the appropriation must be evident to all, as with our large increase of field artillery, we have no range in the Department of the East where it is possible to give them the slightest target practice, and small-arms practice can only be carried on by securing the use of State or National Guard ranges, and can only be used by the Regular Army when not in use by the legitimate owners of the property.

Under "Small-arms target practice" the committee have inserted a direct authorization for military instruction and target practice of students at educational institutions and inmates of Soldiers' Homes to which the small arms may now lawfully be issued, and have also authorized the sale of ordnance property to educational institutions and State soldiers and sailors' orphans' homes for maintaining ordnance and ordnance stores issued to them; which simply allows the purchase of such parts as become unserviceable, and is necessary for keeping in good condition ordnance now issued under authority of law.

Your committee also give to the Chief of Ordnance the right to purchase certain ingredients entering into the manufacture of high explosives without advertising in order to preserve for the use of the Government any advantage which may come from the discovery of high explosives. It is absolutely imperative that the officers of the Government shall not be required to advertise to the world the ingredients from which this explosive is manufactured.

The details of the estimates and the appropriations are as follows:

	Estimated.	Appropriated.	Reduction.
Contingencies of the Army	$15,000.00	$15,000.00	
Army War College	15,000.00	15,000.00	
Contingencies, Chief of Staff	10,000.00	10,000.00	
United States Service School	17,000.00	17,000.00	
Official entertainment	5,000.00		$5,000.00
Adjutant-General's Department, contingencies	7,500.00	7,500.00	
Coast Artillery School, incidental expenses	10,000.00	10,000.00	
Engines, etc	7,000.00	7,000.00	
Special apparatus	3,000.00	3,000.00	
Mine apparatus, etc	5,500.00	5,500.00	
Books, etc	2,500.00	2,500.00	
Signal Corps, expenses	250,000.00	250,000.00	
Telephone system:			
Interior posts	56,000.00		56,000.00
Artillery posts	48,900.00		48,900.00
Alaska telegraph	200,000.00	200,000.00	
Traveling expenses	2,500.00	2,500.00	
Pay of officers of line	5,724,700.00	5,556,200.00	168,500.00
Length of service	1,148,730.00	1,148,730.00	
Pay of enlisted men	10,907,078.25	10,000,000.00	907,078.25
Additional pay	1,206,000.00	1,206,000.00	
Engineers	269,604.00	269,604.00	
Length of service	38,640.00	38,640.00	
Ordnance Department	174,372.00	174,372.00	
Length of service	46,000.00	46,000.00	

	Estimated.	Appropriated.	Reduction.
Quartermaster's Department	$81,600.00	$81,600.00	
Length of service	15,000.00	15,000.00	
Subsistence Department	81,600.00	81,600.00	
Length of service	16,000.00	16,000.00	
Signal Corps, master electricians	32,400.00	32,400.00	
First-class sergeants	71,280.00	71,280.00	
Sergeants	58,752.00	58,752.00	
Cooks	5,760.00	5,760.00	
Corporals	37,440.00	37,440.00	
First-class privates	112,608.00	112,608.00	
Privates	26,208.00	26,208.00	
Length of service	31,008.00	31,008.00	
Hospital Corps	855,840.00	855,840.00	
Length of service	100,000.00	100,000.00	
Clerks, messengers, and laborers	351,720.00	329,040.00	$22,680.00
Pay of officers, Adjutant-General's Department	76,500.00	76,500.00	
Length of service	22,000.00	22,000.00	
Inspector-General's Department	50,500.00	50,500.00	
Length of service	16,000.00	16,000.00	
Corps of Engineers	387,800.00	387,800.00	
Length of service	95,000.00	95,000.00	
Ordnance Department	191,000.00	191,000.00	
Length of service	50,000.00	50,000.00	
Quartermaster's Department	223,500.00	223,500.00	
Length of service	64,500.00	64,500.00	
Subsistence Department	132,000.00	132,000.00	
Length of service	30,600.00	30,600.00	
Medical Department	686,300.00	675,000.00	11,300.00
Additional pay	130,000.00	125,000.00	5,000.00
Pay Department	122,000.00	122,000.00	
Length of service	31,950.00	31,950.00	
Judge-Advocate's Department	40,000.00	40,000.00	
Length of service	8,200.00	8,200.00	
Signal Corps	94,800.00	94,800.00	
Length of service	21,400.00	21,400.00	
Insular Affairs	8,000.00	8,000.00	
Length of service	1,000.00	1,000.00	
Retired officers	2,527,320.63	2,527,320.63	
Length of service	414,613.84	414,613.84	
Retired enlisted men	1,193,445.00	1,193,445.00	
Miscellaneous hospital matrons	9,000.00	9,000.00	
Superintendent nurse corps	1,800.00	1,800.00	
Nurses	55,020.00	55,020.00	
Forty-two veterinarians	63,000.00	63,000.00	
Length of service	8,850.00	8,850.00	
Dental surgeons	57,960.00	57,960.00	
Contract surgeons	360,000.00	360,000.00	
Paymaster's clerks	140,538.32	140,538.32	
Paymaster's messengers	18,000.00	18,000.00	
Traveling expenses	17,000.00	17,000.00	
Courtsmartial	30,000.00	30,000.00	
Superintendent buildings and grounds	1,000.00	1,000.00	
Commutation of quarters	418,000.00	418,000.00	
Travel allowance, enlisted men	1,000,000.00	1,000,000.00	
Clothing	800,000.00	800,000.00	
Interest on deposit	100,000.00	100,000.00	
Translater	1,800.00	1,800.00	
Expert accountant	2,500.00	2,500.00	
Extra-duty pay	8,000.00	8,000.00	
Extra-duty pay, switchboard operators	9,200.00	8,000.00	1,200.00
Extra pay, Signal Corps	29,000.00	29,000.00	
Mileage	550,000.00	550,000.00	
Increase pay:			
Enlisted men	767,000.00	767,000.00	
Officers	285,000.00	285,000.00	
Pay of computer	2,500.00	2,500.00	
Pay of exchange	500.00	500.00	
National Guard service schools	10,000.00	10,000.00	
Officers Porto Rico Regiment	50,400.00	50,400.00	
Length of service	6,500.00	6,500.00	
Enlisted men	97,644.00	97,644.00	
Length of service	15,000.00	15,000.00	
Philippine Scouts:			
First lieutenants	75,000.00	75,000.00	
Second lieutenants	70,000.00	70,000.00	
Battalion adjutants	14,400.00	14,400.00	
Quartermasters and commissaries	12,800.00	12,800.00	
Difference in pay, majors	5,600.00	5,600.00	
Difference in pay, captains	4,500.00	4,500.00	
Length of service	34,720.00	34,720.00	
Privates	516,600.00	516,600.00	
Encampment of militia	1,000,000.00		1,000,000.00
Subsistence Department	7,382,951.45	7,000,000.00	382,951.45
Quartermaster's Department, regular supplies	9,937,156.10	9,000,000.00	937,156.10
Furniture, etc	12,000.00	12,000.00	
Incidental expenses	2,478,237.76	2,200,000.00	278,237.76

	Estimated.	Appropriated.	Reduction.
Horses	$514,678.00	$514,678.00	.....
Barracks and quarters	4,690,187.85	3,027,420.00	$1,662,767.85
Post exchange	525,000.00	400,000.00	125,000.00
Transportation	3,747,561.65	3,697,561.65	50,000.00
Draft animals	2,314,613.75	2,314,613.75	.....
For ships	5,224,437.00	5,000,000.00	224,437.00
Roads in Alaska	400,000.00	250,000.00	150,000.00
Roads, walks, and wharves	994,378 00	900,000.00	94,378.00
Water and sewer	2,711,275.00	2,000,000.00	711,275.00
Barracks and quarters, Philippine Islands	731,022.00	731,022.00	.....
Clothing	8,335,116.14	7,000,000.00	1,335,116.14
Hospitals	759,466.00	545,366.00	214,100.00
Quarters, hospital stewards	75,000.00	75,000.00	.....
Galleries and ranges	406,334.00	406,000.00	334.00
Army War College	12,700.00	12,700.00	.....
Medical department:			
Supplies	700,000.00	700,000.00	.....
Special apparatus	200,000.00	.....	200,000.00
Museum and library	5,000.00	5,000.00	.....
Surgeon-General's library	10,000.00	10,000.00	.....
Engineer's department:			
Incidental expenses	11,500.00	11,500.00	.....
Instruments	5,000.00	5,000.00	.....
Engineer School, maintenance	25,000.00	25,000.00	.....
Buildings	770,000.00	350,000.00	420,000.00
Equipment of troops	72,500.00	72,500.00	.....
Surveyors, etc	25,000.00	25,000.00	.....
Ordnance, current expenses	300,000.00	300,000.00	.....
Ammunition	624,000.00	624,000.00	.....
Target practice	1,300,000.00	1,300,000.00	.....
Artillery for militia	550,000.00	550,000.00	.....
Manufacture of arms	1,778,158.00	1,778,158.00	.....
Ordnace stores	900,000.00	900,000.00	.....
Medals	5,000.00	5,000.00	.....
Range finders	165,000.00	165,000.00	.....
Reimbursement	203.37	203.37	.....
Rifle practice, public schools	100,000.00	.....	100,000.00
Total	94,120,988.11	85,007,566.56	9,113,421.55

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 960.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

FEBRUARY 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CRUMPACKER, from the Committee on the Census, submitted the following

REPORT.

[To accompany H. R. 16954.]

The Committee on the Census, to whom was referred House bill 16954, report said bill to the House with the recommendation that it do pass.

The bill in most of its provisions conforms closely to the act of March 3, 1899, providing for the Twelfth and subsequent censuses. One of its chief features of difference is that it is drawn to supplement the act creating a permanent census office and acts supplementary thereto and amendatory thereof. The bill and the act creating the permanent Census Office are designed to constitute a complete and harmonious system for the taking of decennial censuses in the future, and for the administration of the permanent Census Office in making such inquiries and reports as the law provides during the interim between the decennial census periods.

The bill contemplates a permanent plan for the taking of decennial censuses, and it is so fashioned and made to conform to the permanent census law that at each recurring decennial period the Census Office will be automatically resolved into a temporary administrative office for the decennial period, and at the expiration of that period by operation of law the office will be changed back into the permanent office for the performance of such duties as the law imposes upon it.

The second section of the bill defines what is termed "the decennial census period," which shall begin on the 1st day of July preceding the census and shall continue for a period of three years. This is one of the chief departures from the act providing for the Twelfth Census, and one of the most important provisions of the bill. That section requires the work of the decennial census to be completed and the reports thereof to be published within the decennial period, and at the expiration of that period the permanent Census Office resumes its regular work and carries it on until the next decennial census period.

The decennial census provides for a census of four important subjects, namely, population, agriculture, manufactures, and mines and quarries, and the geographical area of the census includes all of the States and Territories on the mainland and the District of Columbia, and the Territories of Alaska, Hawaii, and Porto Rico, and Guam, Samoa, and the Panama Canal Zone. The Twelfth Census act did not embrace Porto Rico, Guam, Samoa, and the Panama Canal Zone, but a census of Porto Rico was taken by the Secretary of War in 1899.

The Twelfth Census act included vital statistics as one of the principal inquiries, but the bill reported by your committee omits that subject and substitutes the subject of mines and quarries therefor. The reason for the omission of vital statistics is that the permanent office is now required to collect that class of statistics from registration areas annually, and the work of the office upon that subject now covers almost one-half of the population of the entire country. The vital statistics collected in nonregistration areas by the ordinary census enumerator are often inaccurate and have but little scientific or historical value. It is the judgment of the committee that the subject is covered as fully as it is advisable to cover it by the permanent Census Office in its annual investigations. The industries of mines and quarries are so closely related to manufactures in many lines of production that the statistics of all may be taken together with increased accuracy and economy. Many manufacturers do their own mining in a greater or less degree, and it is somewhat difficult to separate the operations in the two branches of industry without making a complete examination of both.

Section 3 of the bill provides for what may be termed the "staff officers" of the Director during the decennial period. They are practically the same as those authorized in the Twelfth Census act, excepting more expert chiefs of divisions are provided for. Experience has shown that it is necessary to create more subdivisions for the working force in the office. Thorough supervisory control of the clerks and employees is a matter of vital importance in securing the best results, and more subdivisions were found to be necessary to secure adequate supervision.

The salaries of the chief officers provided in the bill are about the same as salaries provided in other Departments of the Government for similar services. The salary of the Director for the temporary period is fixed at $7,500 a year, the same as it was for the Twelfth Census. The work of taking a decennial census is one of tremendous magnitude. The Director is the general in command of a force in the office and in the field, which will amount to probably 70,000 persons at its maximum, and the work is practically all of an emergency character. The responsibilities of the Director during the decennial period are great, and the labor imposed upon him is of the most exacting and trying nature. The salaries of other officers have been slightly increased above those provided in the Twelfth Census act, so as to conform to the standard of salaries in the administrative service of the Government at the present time.

Section 6 authorizes the Director of the Census to employ such number of clerks of classes 2, 3, and 4 as he may deem necessary, not exceeding 100 at any particular time. That section also authorizes the Director to employ such other clerks and assistants in the office in Washington as the exigencies of the service may require, at salaries

the clerks and employees were selected under the civil-service law they would have a classified status and would be eligible to transfer or reappointment, and the bill reported by your committee expressly provides that the tenure of the temporary officers, clerks, and employees shall cease with the decennial census period, and that they shall not be eligible to transfer or reappointment into any position in the classified service of the Government by virtue of their examination or appointment under the provisions of the bill. There are 600 or 700 persons in the District of Columbia and vicinity who were employed in the taking of the Twelfth Census and whose efficiency record is now in the Census Office. The services of most of those clerks can doubtless be secured for the Thirteenth Census. Their experience makes them peculiarly desirable; but it is doubtful if a large percentage of them would receive relatively high grades in a competitive examination, for it is a well-known fact that young men and women but recently out of high schools and colleges as a rule secure the best grades in all scholastic tests. It is the judgment of your committee that the best results can be obtained by the appointment of clerks and employees for the temporary service contemplated under the method outlined in the bill.

The schedules for the inquiries authorized by the bill are substantially the same as those provided in the Twelfth Census act. The bill authorizes the appointment of not to exceed 330 supervisors, whose duty it shall be to assist in subdividing their respective districts into convenient enumeration districts and to supervise the work of the enumerators. The number of supervisors recommended is an increase of 30 over those provided for in the Twelfth Census act, and it is required that the supervisors' districts shall be made to conform to Congressional districts wherever it is practicable. In a few States and in the large cities one supervisor only will be appointed for the entire State or city without regard to the number of Congressional districts therein. This is a matter of convenience and economy.

The schedule of pay for the supervisors is substantially the same as that provided in the Twelfth Census, and it is worked out and illustrated in a statement submitted to the committee by Mr. Wm. C. Hunt, chief statistician for population in the Census Office, which statement is appended to this report.

The bill also authorizes the appointment of such number of enumerators as may be required, and it is estimated that the number will range from 60,000 to 65,000. The value of the whole census will depend mainly upon the thoroughness and accuracy of the enumeration. It lies at the base of the whole system of the collection and compilation of statistics, and it is of the highest importance that the enumerators be capable and trustworthy men in every respect. If they be not, the results will be inaccurate and the reports will be generally discredited. While it is of great importance to have efficient and capable clerks and employees in the office at Washington, it is of much greater importance to have a high class of employees make the enumeration. The pay of enumerators is fixed by a schedule establishing maximum and minimum fees. The maximum is somewhat higher than that provided in the Twelfth Census, but in view of the general increase of pay for public and private service during the last ten years, and the increased cost of living, and the low average pay that was received by the enumerators under the last census, the change

was thought advisable. The enumerators will be engaged in the country districts from thirty to forty days. In the last census the average payment to each enumerator was but $66.39, little, if any, above the average wages received by unskilled laborers throughout the country. It is estimated that under the present bill the average pay of enumerators may be as high as $70 or $75 for the entire service. It is hoped that the higher rate of pay will secure a more efficient and trustworthy class of enumerators. The bill authorizes, in exceptional cases, where settlements are sparse, the payment of special compensation of not less than $3 nor more than $6 a day, to be fixed and determined by the Director.

Another change in the bill of some importance is that it requires the enumeration of population as of the 15th day of April of the census year. Heretofore the census of population was taken as of the 1st day of June. The experience of the Census Office has been such that it was found quite difficult to obtain an accurate census of population in many of the large cities on the 1st day of June because of the custom in many places of citizens closing their homes and going abroad or to summer resorts during that season of the year. The Director of the Census recommends this change, and it is earnestly recommended by Hon. William R. Merriam, who was Director of the last census. The enumeration in the country districts must be completed within thirty days and in cities of 5,000 population and over within two weeks.

Provision is made for the employment of special agents in assisting in supervising the work of enumeration and in taking and assisting in the census of manufactures and mines and quarries. A census of manufactures is required each five years, and the census midway between the decennial periods is taken almost altogether by special agents. They are generally, but not always, selected in the neighborhood in which the work is to be done, and their period of service as a rule runs from sixty to ninety days. Generally speaking they are men who possess some knowledge of manufacturing industries, and the pay of those agents is to be fixed by the Director of the Census at not less than $3 nor more than $6 a day, together with actual traveling expenses and an allowance for subsistence not exceeding $4 a day.

The bill contains several penal provisions, chiefly in sections 22, 23, and 24, giving the Director larger authority in securing answers to questions contained in schedules and greater power in safeguarding the work against unauthorized publicity. These provisions are believed to be of great importance in securing the best results. Protection against promiscuous or general publicity is of vital importance in securing complete and accurate statements from those engaged in manufacturing and mining particularly. It is the policy of the Census Office to consider all schedules and other information officially obtained as for use exclusively for statistical purposes, and information is given in the confidence that that policy will be observed. The office is not a general information bureau, excepting for purely statistical data.

An important new feature of the bill is that contained in section 31, providing for a quinquennial census of agriculture and live stock covering the acreage of farm lands and the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. Those interested in the industries of agriculture and

live stock regard this provision of the bill as of great importance. The agricultural industry is, perhaps, the foundation of all prosperity. The products of the farm reach the almost incomprehensible sum total of $6,000,000,000 a year, and the exports of farm products constitute over 62 per cent of all the domestic exports from this country. Methods of cultivation and selection of crops have been greatly improved during the last twenty years, and changes occur within comparatively short periods. It is of much importance not only to those engaged in agriculture directly, but to those engaged in manufacturing, transportation, and practically all the industries, to have accurate knowledge at as short intervals as is practicable of the changes that have taken place in acreage, locality, and crop selection in the various parts of the country, and in the area and location of agricultural districts that is devoted to the live-stock industry. This midway census of agriculture is to cover only the acreage of farm lands and the acreage of the principal crops, and the number of domestic animals on the farms and ranges. It does not include animals owned in towns and cities throughout the country that have no relation to live-animal production as an agricultural industry. Full statistics respecting all domestic animals is provided for in the decennial census, but the quinquennial census of agriculture is limited in its scope to subjects that bear directly upon the industry of agriculture.

The law now requires a five-year census of manufactures and electrical industries, and it is of greater importance to the people at large to have a five-year census of agriculture, including live stock, than of either of the industries that are now authorized by law. The Agricultural Department makes general estimates at short intervals during the crop-growing season of the acreage and condition of all the principal crops throughout the country. The preceding census is taken as a basis for the estimates, and it would add greatly to the accuracy and value of those estimates to have a census every five years so as to have a more recent basis for calculation and comparison and to serve as a check upon the estimates of the Department. Secretary Wilson, of the Department of Agriculture, appeared before the Committee on the Census several years ago and very strongly urged the inclusion of this provision in the work of the Census Office. He submitted to the committee, a short time ago, a written statement containing the reasons why he thinks there should be a five-year census of agriculture. That statement is appended to and made part of this report.

The permanent Census Office by the employment of a comparatively small number of enumerators and special agents can do the work. The expense of the work is estimated at $2,000,000.

The bill, taken as a whole, confers considerable discretionary authority upon the Director of the Census. Both the Tenth and the Eleventh censuses were taken under laws that required the Director of the Census to do his work under the express supervision and control of the Secretary of the Interior, in whose Department the Census Office was then a Bureau. The results in both of those censuses were very unsatisfactory. The work was so delayed in securing departmental approval and authority in urgency matters of detail that the preparations and publication of reports was delayed from four to seven years after the census was taken and their current value was largely lost. Profiting by the experience of the past, the Twelfth Census act conferred upon

the Director substantially the same authority that is conferred upon the Director in the bill recommended by your committee, and it is generally acknowledged that the Twelfth Census was the most satisfactory in its results of any census in the history of the Government.

The act to establish the Department of Commerce and Labor gives the Secretary of the Department "jurisdiction" over the Census Office. While the Director of the Census possesses, under the Twelfth Census act and the permanent census act, certain independent powers, he nevertheless exercises these independent powers under the jurisdiction of the Secretary—that is to say, subject to the administrative review of the latter.

It is proper and highly important that this administrative jurisdiction of the Secretary should continue throughout the three-year decennial period during which the permanent office is put upon a temporary basis for the purposes of the enumeration. There is nothing inconsistent between the Secretary's "jurisdiction" and the independent functions which the bill proposes to confer upon the Director of the Census. These independent powers are given because of the emergency character of the work, the necessity for eliminating all red tape, and in order that one man may be held directly responsible for the success or failure of the great work. No Director can be held responsible unless he is given authority which corresponds to that responsibility and makes it real instead of nominal. It is true that the Secretary can not restrain the Director, under the terms of the bill, in the exercise of these discretionary powers; but he can take administrative cognizance of all acts done thereunder, after their performance. He will receive regular reports, showing the progress and conditions of the work at every step and stage. Every dollar of expenditure will pass under the administrative review of the Secretary's subordinates. If he finds that there has been any misuse or abuse of authority, extravagance in expenditure, or error of judgment, he can report the facts to the President for such action as may be necessary.

The two propositions—independent authority to the Director in certain matters and administrative jurisdiction by the Secretary—are in no way inconsistent or in conflict with each other.

It would appear that this was precisely what Congress contemplated in framing the Twelfth Census act, the permanent census act, and the act establishing the Department of Commerce and Labor. These three laws were intended to "subsist" together and work in harmony with each other. As a matter of fact they do now so subsist and harmonize, and there is no grant of authority to the Director of the Census, under the proposed census law, which he does not possess already, under both the Twelfth Census act and the act to establish a permanent census office, or which in any way interferes with the jurisdiction now exercised by the Secretary of Commerce and Labor.

It is estimated that the cost of the Thirteenth Decennial Census, covering the three-year period, will be in the neighborhood of $14,000,000. This sum includes the maintenance of the permanent office and the expense of conducting its annual and biennial investigations, embracing vital statistics in registration areas, cotton-gin statistics, clerical work in relation to forestry statistics, and the compiling and publication of the Official Register. The cost of the Thirteenth Census proper is estimated at $12,855,000. The Twelfth Census up to the time the

Census Office was made permanent cost the Government $12,520,000. The permanent office performed some of the unfinished work of the Twelfth Census out of its own appropriation, which was not charged to the cost of the Twelfth Census. Notwithstanding the geographical area of the Thirteenth Census is somewhat enlarged and the population of the country is probably 15,000,000 greater than it was at the taking of the Twelfth Census, it is believed that the Thirteenth Census in dollars and cents will be taken at a smaller figure than it cost to take the Twelfth Census. This saving in expense will be largely the result of the permanent Census Office. The methods of inquiry, tabulation, and compilation have been greatly improved both in accuracy and economy. The permanent Census Office has established a reputation for accuracy and system in its work that is highly gratifying to those who have a proper appreciation of the value of political, industrial, and social statistics. Reliable statistics constitute the real history of a country, and the people of the United States are coming to realize their value more and more each year. The demands upon the permanent Census Office for statistical information along all lines and for all purposes have been far beyond anything that could have been reasonably expected when the office was established.

While it will cost considerably more for enumeration and supervision in the Thirteenth Census than it cost in the Twelfth, a large saving will be made in the arrangement, compilation, and tabulation of the schedules. Several years ago Congress imposed upon the Census Office the duty of compiling and publishing the Official Register, commonly called the "Blue Book," a work that is required every two years. The first publication of the Register by that Office was made the latter part of last year. The register was rearranged, and instead of having an index of about 1,500 pages it was arranged after the fashion of a business directory. It is much more concise, useful, and convenient than it was in its original form, and the saving in printing and material alone for the one publication was about $50,000. The old Official Register was such a large and cumbersome publication in matter and content that it was of little practical value. This item illustrates fairly well the advantage of having a statistical office equipped with skilled statisticians, who easily discover and readily adopt improvements in methods that will promote usefulness and economy.

The chief differences between the bill recommended by your committee and the act providing for the Twelfth Census is in the decennial census period, the making of the law to harmonize with the permanent census act, the quinquennial census of agriculture and live stock, the system of pay in the office on the piece-price basis, and provisions giving the Director of the Census additional power to compel answers to inquiries made by enumerators and special agents and other safeguards to promote the accuracy and reliability of the reports.

It was proposed to embrace the Philippine Archipelago in the geographical area of the decennial census, but the committee believed that under existing conditions a census of the archipelago was not necessary at this time, and that the Philippine government itself should determine when a census should be taken. The last census of the archipelago was taken in 1903, and the expense was borne in the main by the Philippine government.

The importance of the enactment of legislation for the Thirteenth Census at this time is stated with force and clearness by the Hon. S. N. D. North before your committee. His statement upon that subject is as follows:

THE ADVANTAGES OF EARLY CENSUS LEGISLATION.

It is most important that a census law should be enacted at the present session of Congress, because heretofore delay in enactment has seriously interfered with the best results in connection with all recent census laws.

The censuses of 1850, 1860, and 1870 were taken under the act of May 23, 1850, which was fatally defective at the crucial point of field supervision. The attempt to enact a new law, for taking the Ninth Census, of 1870, failed between the two Houses for lack of time for its full consideration. The act under which the census of 1880 was taken passed March 3, 1879; the act for the census of 1890 passed March 1, 1889; the act for the census of 1900 passed March 3, 1899—in each case a day or two days before the adjournment of the short session of Congress.

Neither one of these acts, therefore, allowed more than a year and three months of preparation for this stupendous piece of work—the greatest single piece of work (short of the Panama Canal, or actual war) which the Government undertakes. The marvel is that past censuses have been so good, indeed, that they have not broken down in the taking, in view of the limited period allowed for preparation.

The establishment of a permanent Census Office does not reduce the force of the argument in favor of earlier legislation, but increases it. Preparation for the Thirteenth Census is already well under way in the office—has in fact been going on, in one way and another, ever since the Twelfth Census was finished. The establishment of the permanent Census Office accomplished more for the orderly, accurate, and economical enumeration, at decennial periods, of our population and resources, than Congress or the country can yet fully realize. It is impossible to exaggerate the advantage we now possess over any previous census, in the way of the necessary preliminary data upon which to base the Thirteenth Census. We can take that census, under existing law, far more efficiently and economically than it was taken in 1900. But we can do the work far better and far more economically if a new law is promptly enacted. The main purpose of this statement is to convince you that the sooner the law is passed, the better and the more economical the Thirteenth Census will be.

Since the conditions now existing are more favorable for a satisfactory census than ever existed before, why not, by promptly enacting this bill, make them the most favorable conditions possible, and thus insure the best possible census? It will not add a dollar to the cost; on the contrary, it will certainly make it possible to save many thousands of dollars.

The Census Office is entitled to definite knowledge, at the earliest practicable date, of the exact conditions under which it is to carry on this tremendous undertaking. It can then mature and perfect its plans accordingly. If ample time is allowed the results should be correspondingly satisfactory. This is so obvious that specifications seem superfluous. Yet I venture one or two.

In all previous censuses weakness has developed in the field work rather than in the office work of tabulation and compilation. This has resulted principally from lack of efficient local supervision. The provision of recent laws for local supervisors, in lieu of the United States marshals, as under the census act of 1850, was an immense step in advance. The number of these supervisors must be increased, from 150 in 1880 to 330 in 1910. They must of necessity be men with no previous knowledge or experience of census work. The first essentials, therefore, for the officers of the census army in the field are obviously training and education. They should all be brought to Washington for instruction, which should extend over a period of six months in order that each of these responsible officials may become thoroughly in touch with his duties. This will not be possible, unless the Thirteenth Census act is passed at the first session of the Sixtieth Congress. It must be remembered that this small body of supervisors designate approximately 60,000 subordinates as enumerators. I ask you to consider what it means to the census and to the Federal Government if the supervisor has been properly trained, disciplined, and made to realize his responsibility. Too often in the past the position has been regarded as a political perquisite and the serious duties disregarded.

The early designation of the supervisors will permit the early designation of the 60,000 or 65,000 enumerators who will be required under this bill. A successful enumerator must have ample time to study and comprehend his instructions. He ought to have at least three months. It will not be possible to give this great body of enumerators the necessary time to qualify for their duties, unless the Thirteenth Census act is passed at the present session. The advantage to be gained, at no additional cost, is so important, and its effect upon the general accuracy of the Thirteenth and all subsequent censuses, is so vital that I do not anticipate any objection to the plan.

APPENDIX A.

STATEMENT OF HON. JAMES WILSON, SECRETARY OF THE DEPARTMENT OF AGRICULTURE, SHOWING REASONS IN SUPPORT OF A QUINQUENNIAL CENSUS OF AGRICULTURE.

In relation to section 7a of "An act to provide for the Thirteenth and subsequent censuses," which makes provision for taking a quinquennial census of agriculture, it is submitted that this provision should be incorporated in the bill, as it is an excellent and valuable one, for the following reasons:

1. It would provide more complete statistical information in regard to the agricultural products and resources of the United States, by States and counties, at more frequent intervals than once in ten years.

A few figures will serve to illustrate the value of complete detailed agricultural statistics to the business of this country. According to the census of 1900 the total farming capital of the United States—that is, value of land, buildings, implements, and live stock—was $20,000,000,000, which was more than twice the capital of manufacturers (at that time $9,000,000,000). The total value of farm products according to the last census was nearly $5,000,000,000. In the same year the value of manufacture exceeded the cost of materials by about the same amount—that is, nearly $5,000,000,000.

Under the act of March 6, 1902, providing for a permanent census office a provision was made for a quinquennial census of manufacturers. In 1904 such a census was taken and all the data incorporated into most comprehensive and valuable reports of the great business interests of this country. The arguments which prevailed for the necessity of a five-year census of manufacture hold true with added force as to the necessity for providing a five-year census of agriculture.

Our agricultural products have always been the main support of our export business. The annual average of our exports of domestic products in the five-year period from 1900 to 1905 was $1,402,000,000, of which $878,000,000, or 62.6 per cent, were farm products. Of this amount cotton alone averaged in value about $350,000,000 or more. In the past seventeen years nearly two-thirds of our total exports of domestic products were products of agriculture.

The excess in value of all exports over imports, or, in other words, the balance of trade in favor of the United States, for the past five years has averaged $425,000,000 annually. This is due principally to the contribution of agricultural products to this great volume of commerce.

It is important that the business men throughout the country should know the total production of crops in the country, as well as the production in their territories. Large mercantile houses desire to know the condition of crops in their various portions of the country in order to determine to what extent they should solicit business in different territories.

The railroads are much interested and concerned about the agricultural production of the country, in order to secure a more economical distribution of their rolling stock, and the prosperity of these roads are to a large extent dependent upon the products of the farm.

Manufacturing interests are vitally interested in detailed information as to agricultural products which form an important item in the materials used. The farmer lends strong assistance to the support of manufacturing by furnishing raw material. Computations based upon the census of the United States disclose the fact that farm products constitute over 50 per cent of the total products and over 86 per cent of the total materials of the industries. These industries produce 36.3 per cent of all manufactured products and use 42 per cent of all materials employed in manufacturing. During the last census year the farm products employed in manufacturing was $2,679,000,000; the value of all materials, including the preceding amount, was $3,087,000,000. The products of the industries using these materials was $4,720,000,000.

It is therefore particularly desirable to have a detailad statement showing the geographical distribution of agricultural products, by States and counties, at a more

frequent period than once in ten years, and this quinquennial census will provide such figures. The Department of Agriculture prepares estimates each year of the crop, but the smallest unit it can safely use in the State. The quinquennial census will give us every five years the counties, and would be of particular value to the great railroad, manufacturing, and commercial world which desires more detailed information of an agriculture which, in this rapidly growing and changing country, shifts from place to place and from crop to crop every year.

2. A five-year census would be useful and helpful to the Bureau of Statistics of the Department of Agriculture for the purpose of furnishing a more frequent basis or check for its annual reports and estimates of acreage, production, and value of farm crops.

The general method or principle upon which the crop-reporting service of the Department of Agriculture has been based is to take the acreage figures, by States, for the principal agricultural products, and to apply to them in subsequent years the percentage of increase or decrease which may have occurred in the planted area each year. The resulting figures show the acreage planted for the year.

Then during the season in which the crops are growing condition figures are prepared and issued. Finally, in the fall or at harvest time, the yield per acre estimates are applied to the acreage figures and the production for the year ascertained. The Department's figures in each step are prepared by a crop-reporting board of statisticians in the Department at Washington from figures reported to the Department each month by several distinct classes of correspondents, such as special traveling agents, State statistical agents, county correspondents, individual farmers, cotton ginners, and special correspondents. The reports sent by the different classes of correspondents as to condition figures and as to the yield per acre and the average farm prices very closely approximate the actual conditions. The question of acreage is naturally a much more difficult one to ascertain, as demonstrated by the reports of assessors and the statistical departments of the different States. It is an all-important and vital one in enabling the Department to arrive at reasonably accurate results. It has been the practice to check the acreage figures, by States, of the Department against the results ascertained by the Bureau of the Census at each ten-year period.

A comparison of these two sets of figures for the past several decades shows that the figures of the Department of Agriculture have in many cases differed from those of the Census Bureau. This is very naturally caused by the rapid development of certain parts of the country, by the introduction of extensive irrigation projects, by the experiments and development under the guidance of this Department of dry-land farming, and of the shifting from one product to another in many of the old agricultural States. Therefore, without this check at a more frequent interval than ten years, there is a possibility of a more or less cumulative error existing. A quinquennial census would greatly reduce this danger and would give a new basis or check every five years. It is believed that, with the efficiency prevailing in a permanent census organization and with a special effort being made for such attainment, the acreage figures as contemplated in this quinquennial census could be ascertained in 1910 or 1915 and thereafter and be given to the Department of Agriculture for use by it as a complete check on its acreage figures for those same years.

Foreign countries to a very large extent depend upon the United States for many agricultural products, and to meet such demands at home and abroad is the mission of American agriculture. The manufacturer, the merchant, the mechanic, the skilled operative in the factory, and all who consume the products of American agriculture, whether at home or abroad, as well as the farmer who produces and provides for them, are interested in reports on acreage and conditions on the farms of the United States. Prices of agricultural products are primarily governed by the law of supply and demand, and earlier information concerning the supply is of value to all, and those who produce and those who consume are vitally interested, as well as the dealer who stands between them. Therefore, it is particularly necessary that the Government provide the farming and commercial interests of the country with a statistical statement of conditions; and it behooves the Government to endeavor in every possible way to make these reports above suspicion and as near as possible to the actual facts. It is submitted that a quinquennial census as provided for in the bill will more safely secure and safeguard the accuracy of such reports, which are now being prepared and issued by the Department of Agriculture at the behest of Congress.

As commerce consists largely in the exchange of products of agriculture and manufacture, commerce thrives as the farmer and the factory operative prospers. Some individuals, however, do not always regard the common welfare, and injurious commercial speculations occur when ignorance prevails concerning the true conditions of our crops and the true relations of supply and demand. At such times the farmer does not obtain just prices and business is injuriously affected. The conse-

quences of inaccurate reports concerning the condition and prospective yield of the cotton acreage alone may be very injurious. If there were no adequate, well-equipped Government crop reporting service, and, by misleading reports, speculators should depress the price of cotton a single cent per pound, the planter would lose $60,000,000 or more; and if the price were improperly raised, the manufacturer and allied interests would be affected to a proportionate degree. All interests, therefore, demand that as true and accurate a condition as is possible in regard to crops should be known promptly, and harmful speculation discouraged.

3. This quinquennial census would show the number and value of domestic animals on the farms and ranges of this country, and be valuable as a more frequent basis for the annual reports of the Bureau of Statistics as to the number, average price, and value of farm animals in the United States, by States, each year.

Last year the value of the principal farm animals on farms and ranges was nearly $4,500,000,000. The animals sold from farms or slaughtered on them in 1907 were worth over $1,250,000,000, and animals and animal products were exported to the value of $255,000,000, composed chiefly of packing-house products worth $203,000,000. The Department of Agriculture prepares annual estimates as to the number and value of farm animals on farms and ranges in the United States, and the smallest unit for which the reports can be prepared and issued are by State boundaries. A quinquennial census would be valuable as a more frequent base against which the statisticians of the Department of Agriculture can check. It is particularly difficult to prepare reasonably accurate statistics as to live stock without a check by enumeration at more frequent periods than once in ten years. Of the subjects with which statisticians have to deal the estimates of live stock are the most difficult, as there is such a wide fluctuation in supply and demand each year and in the shifting of the live stock.

Knowledge of the number of stock raised in different parts of the country has a very material effect upon the value of the stock, and if the fact is made known through statistics that the number of cattle or hogs has increased or decreased, it enables the breeder to determine the best policy to adopt—whether to sell or to hold; whether to increase or to diminish the number he has raised. Many changes occur in conditions, occasioned by the extraordinary development of the southwestern and northwestern sections of the United States; the transfer of stock raising from range to farm; the multiplication of farming upon hitherto public land; the great growth of dairying interests, and the breeding of horses; the fattening of beef animals, and the shifting of sheep-growing areas—all these have presented difficulties with which no system short of a census enumeration could hope to cope with during years far removed from the regular census. The Department of Agriculture now uses the decennial census as a basis of its reports and annual estimates, for the reasons herein set forth, and the annual estimates of live stock made by the Department would be wide of the mark if an error should creep in and become cumulative from year to year, and great danger might be done to the live stock interests.

4. There have been numerous requests made for such quinquennial census from organizations and individuals throughout the country.

The National Board of Trade, representing the principal chambers of commerce and boards of trade throughout the United States, has urged the value of a quinquennial census, and has announced itself as in favor of "a census report every five years, especially for agricultural data which form a basis for calculations of estimates and of area and production by other official service, governmental and otherwise, as to the more prominent crops and as to the number of farm animals.

The National Live Stock Association, representing 75 per cent of the producers in the West, has specifically recorded itself in favor of such an agricultural census, so that more complete information may be compiled more frequently.

The quinquennial census has also been indorsed by many agricultural societies, farmers' institutes, and associations throughout the country.

The quinquennial census has been contemplated in two bills submitted to Congress by Hon. Albert S. Burleson, of Texas, and was favorable passed upon and reported by the Census Committee of the House in 1907.

Such a census every five years has also been recommended by the statisticians of the Department of Agriculture, and the following reference was made in the statistician's report for the current year:

"1 *quinquennial census.*—It is suggested that the agricultural and live stock interests of the country would be benefited by a quinquennial census of the number of farm animals and live stock in the United States, and the acreage planted to the principal or more important crops, such as wheat, corn, cotton, tobacco, etc. Such census could be taken by the Bureau of the Census of the Department of Commerce and Labor in 1915 and be repeated every ten years thereafter between the regular census periods. There seems to be an urgent desire by the live stock organization, the National Board of Trade, and the principal commercial organizations of the country

for such an enumeration. The main reasons for the taking of a census of manufactures more often than at the regular census each ten years apply with equal force to such a census of agriculture. Such a census would be useful to this Bureau for the purpose of furnishing a more frequent check, and would enable it to secure greater accuracy in the preparation of annual estimates of crops and live stock."

MEMORANDA FROM WM. C. HUNT, CHIEF STATISTICIAN FOR POPULATION.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, January 15, 1908.

Hon. S. N. D. NORTH,
Director of the Census.

DEAR SIR: In connection with the preparation of the bill proposed for taking the Thirteenth Census, I have the honor to submit the following suggestions and recommendations, having reference for the most part to those things which affect the enumeration, and the necessary legislation relating thereto.

RESTRICTION OF WORK AT DECENNIAL PERIOD.

By the exclusion of the mortality statistics and the elimination of the so-called neighborhood and mechanical industries from the census of manufactures (as in the interdecennial census of 1905) and, therefore, the possibility of the entire withdrawal of the collection of the statistics of manufactures of the general work, the census enumerators will have but two subjects of inquiry to deal with, namely, population and agriculture; and even though there may be a schedule for the enumeration of live stock not on farms, as at the Twelfth Census, no enumerator would in any event have more than three, and in most cases but two, schedules—population and live stock not on farms in city districts, and population and agriculture in country districts. In other words, the work of the general census enumerators will be confined to population and agriculture, the statistics of which can only be properly secured by a house-to-house canvass.

This restriction of work at the decennial period, if it can be so effected, will greatly simplify the duties of the census enumerators, and with adequate provision for a close or fairly close supervision of the work in the field there must be necessarily a very considerable gain in the accuracy, expedition, and thoroughness with which the enumeration could be conducted.

AREA OF ENUMERATION.

The area of enumeration at the Twelfth Census, under the terms of the census act, comprehended all the States and Territories on the mainland of the United States, the District of Columbia, and the outlying Territories of Alaska and Hawaii. No provision was made by the census act for the enumeration of the inhabitants of Porto Rico, but a census of that island was taken as of November 10, 1899, under the direction of the War Department. A similar enumeration of the population of the Philippine Islands, under the direction of the War Department, was taken as of March 2, 1903. No census of the islands of Guam and Samoa has been taken since they have been in the possession of the United States, but estimates of their population have been received from official sources. The total population of the continental and insular possessions of the United States in the year 1900 or thereabouts was very nearly 85,000,000, distributed as follows:

Division.	Population.	Date of census.
Continental United States	75,994,575	June 1, 1900.
Military and naval stations abroad	91,219	June 1, 1900.
Alaska	63,592	June 1, 1900.
Hawaii	154,001	June 1, 1900.
	76,303,387	
Porto Rico	953,243	Nov. 10, 1899.
Philippines	7,635,426	Mar. 2, 1903.
Guam	9,000	Estimate.
Samoa	6,100	Do.
	84,907,156	

If, as now contemplated, the census work in 1910, outside of continental United States, is limited to Alaska, Hawaii, and Porto Rico, the total population to be enumerated at the decennial period, on the basis of the figures of the last two censuses, in each case, is likely to be somewhat more than 90,000,000, as follows:

Division.	1890.	1900.	1910.
Continental United States	62,947,714	75,994,575	89,223,874
Military and naval	.....	91,219	.....
Alaska	32,052	63,592	95,132
Hawaii	89,990	154,001	218,012
Porto Rico	a798,565	b953,243	1,095,033

a 1887. b 1899.

With this amount of population distributed over a wide area and the necessity for a reasonably quick but accurate enumeration, two important considerations follow, namely, the date most acceptable for the actual work of enumeration, all things considered, and the number and compensation of the necessary supervisory force.

DATE OF ENUMERATION.

For the first four censuses the enumeration provided by the Constitution was taken as of the first Monday of August, but at the census of 1830 the date of enumeration was changed to June 1, and has so remained to the present time. Owing to the great increase in population, its concentration largely at urban centers, and the changed conditions of living generally, it has become increasingly difficult at each census to secure a full enumeration as of that date, due not alone to the considerable shifting of the population on or about the time of the enumerator's visit, but also to the absence from their usual places of abode during the summer months of a constantly increasing number of families, concerning whom the necessary information can be obtained, if at all, only through extraordinary effort and the adoption of various expedients to reach them following the enumerator's failure to include them in the ordinary course of his work. These difficulties have been appreciated by the census officials, particularly at the period of the last two censuses, and in the preparation of bills looking to a permanent census service as well as in the preliminary drafts of bills providing for the Twelfth Census work, an effort was made to have the date of enumeration come either in the fall of the year or at a time sufficiently earlier than the 1st of June as to practically obviate the objections to which that date is open in the light of present conditions.

October would be an ideal month in which to make the actual canvass as of either the 1st or 15th, and it was so recommended by Superintendent Porter in his report of December 1, 1891, advocating a permanent Census Bureau; but, as stated by Commissioner Wright in his report of December 7, 1896, providing a plan for a permanent census service, that time of year is open to the criticism that the enumeration of every alternate decade would immediately precede a Presidential election and that the presence in the field at such a time of a large force of enumerators "might have an unhappy influence which it would be wise to avoid." The date named by Commissioner Wright in said report was April 15, and this date was again used in the draft of a bill for taking the Twelfth Census submitted by him on March 1, 1898. A bill drafted by the late William A. King at the same time and for the same purpose named May 1, but the latter date is, in many respects, as objectionable as June 1. It is true, as stated by Mr. King in his letter of March 14, 1898, to Senator Carter, that May would find the country roads in much better condition (than in April), but this objection is met in the proposed Thirteenth Census act by the discretionary power given the Director of the Census to postpone work in any district in which climatic or other conditions are likely to materially interfere with its proper conduct at that time. All thing sconsidered, I am satisfied that April 15 is the best date that can be selected and, under the proviso that the enumeration shall be commenced on that date and be completed within two weeks in all cities having at least 5,000 inhabitants at the preceding census—and in many other sections as well in which the work can safely be commenced on that date—it is evident that the enumeration of a very considerable part of the population can be undertaken on April 15 and brought to a completion by May 1, or the very early part of that month at the most.

NUMBER OF SUPERVISORS.

The number of supervisors in 1900 under the terms of the census act was limited to 300, and judging from the experience of that census the total number of supervisors at the Thirteenth Census need not exceed 330, the number provided by the proposed act. Of this number at least 4 should be set aside for the outlying Territories of Alaska, Hawaii, and Porto Rico, and, similarly, at least 3 will be required for the work in Arizona, New Mexico, and the District of Columbia. Although the proposed Thirteenth Census act provides, as in 1900, "that so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the Congressional districts," there would be no reason or necessity for observing this stipulation either in States of comparatively small area or in counties representing large centers of population, even though they contain two or more Congressional districts, or parts thereof. There are 5 States and 15 counties which readily fall into these two groups, and for each of which but a single supervisor would possibly be required. These States and counties comprise in effect 85 Congressional districts and, on the basis of a single supervisor for each of these States and counties (20 in all) and by a further allowance for 1 Congressman at large each in Colorado, Kansas, and Washington, it would be possible to have the boundaries of the remaining 303 supervisors' districts substantially conform to the boundaries of Congressional districts, if deemed practicable and desirable so to do, and not exceed the total number of supervisors' districts provided for in the proposed census act. The distribution of these districts, as herein suggested simply for the purpose of indicating the sufficiency of the total number named, is summarized as follows:

Areas.	Supervisors' districts.	Congressional districts.
Territories not on mainland (Alaska, 2; Hawaii and Porto Rico, 1 each)	4	.....
Territories on mainland not States (Arizona, New Mexico, and the District of Columbia, 1 each)	3	.....
States of comparatively small area (Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, 1 each)	5	25
Counties representing large centers of population (New York, 3 counties; New Jersey, Ohio, and Pennsylvania, 2 counties each; and California, Illinois, Louisiana, Maryland, Missouri, and Wisconsin, 1 county each)	15	60
States having Congressmen at large for which no equivalent supervisors' districts are provided (Colorado, Kansas, and Washington, 1 each)	.....	3
States in whole or in part not previously covered	303	303
Total districts	330	391

The State of Washington has three Congressmen elected at large, but in the tentative plan herein outlined it has been given two supervisors, as in 1900.

The fifteen counties representing large centers of population, and the cities contained in them, are as follows:

State.	County.	City.
California	San Francisco	San Francisco.
Illinois	Cook	Chicago.
Louisiana	Orleans (parish)	New Orleans.
Maryland		Baltimore.
Missouri		St. Louis.
New Jersey	Essex	Newark.
	Hudson	Jersey City.
New York	Erie	Buffalo.
	Kings	Brooklyn borough.[a]
	New York	Manhattan and Bronx boroughs.
Ohio	Cuyahoga	Cleveland.
	Hamilton	Cincinnati.
Pennsylvania	Allegheny	Pittsburg and Allegheny.
	Philadelphia	Philadelphia.
Wisconsin	Milwaukee	Milwaukee.

[a] To which would probably be added, for enumeration purposes, Queens and Richmond boroughs and Nassau and Suffolk counties.

The above-named centers represent the seventeen largest cities of the country with three exceptions—Boston, Detroit, and Washington. The city of Boston is omitted because, under the tentative plan of division herein outlined, but one supervisor is allotted to the entire State of Massachusetts, following the precedent of former censuses. The city of Detroit does not appear because Wayne County, of which it forms a considerable part, constitutes parts of four Congressional districts, and, while it would undoubtedly be desirable to have a single supervisor for that county, as in 1900, there would probably be required for the State of Michigan, as a whole, as many supervisors as there are Congressional districts, and there would be, therefore, no curtailment in the number of supervisors' districts as compared with that of Congressional districts. The city of Washington is not considered, as it is coextensive with the District of Columbia, for which a single supervisor is provided.

COMPENSATION OF SUPERVISORS.

Under the rates of compensation provided by section 11 of the Twelfth Census act, all but 6 of the 297 supervisors (for continental United States) would have received the minimum compensation therein provided ($1,000), the per capita rates established by the Director of the Twelfth Census in accordance with the terms of that section (in thickly settled districts $1, and in sparsely settled districts $1.40, for each thousand or majority fraction of a thousand of population enumerated) added to the lump sum of $125, giving, with these six exceptions, a sum less than the minimum amount named. By the amendatory act of May 10, 1900 (sec. 4), further compensation to supervisors was provided in "a sum equal to 2 per cent of the amount paid to the enumerators for taking the census in said supervisor's district: *Provided*, That the amount of such additional or further compensation to be paid to each supervisor shall in no case be less than $250." Even under this added stipulation there were only 69 supervisors, or less than one-fourth of the whole number, who received more than the sum of the minimum amounts provided in the original and amendatory acts, namely, $1,250. Of the 69 districts 6 were paid on the per capita basis as originally provided in section 11 plus 2 per cent of the amount paid to the enumerators in their respective districts. These 6 districts and the amounts paid to the supervisors thereof in 1900 were as follows:

District.	Compensation under section 11.	Additional compensation.	Total compensation.
Massachusetts	$2,930	$1,587.43	$4,517.43
First New York (Manhattan and Bronx)	2,176	1,024.12	3,200.12
First Illinois (Chicago, etc.)	1,964	989.71	2,953.71
Second New York (Brooklyn, etc.)	1,645	816.65	2,461.65
First Pennsylvania (Philadelphia)	1,419	681.04	2,100.04
Connecticut	1,033	920.25	1,953.25
Total	11,167	6,019.20	17,186.20

The average compensation per thousand of population in these 6 per capita districts, considered separately and as a whole, was as follows:

District.	Population in thousands.	Total compensation.	Average per 1,000.
Massachusetts	2,805	$4,517.43	$1.61
First New York (Manhattan and Bronx)	2,051	3,200.12	1.56
First Illinois (Chicago, etc.)	1,839	2,953.71	1.61
Second New York (Brooklyn, etc.)	1,520	2,461.65	1.62
First Pennsylvania (Philadelphia)	1,294	2,100.04	1.62
Connecticut	908	1,953.25	2.15
Total	10,417	17,186.20	1.65

The 63 other districts in which the compensation paid to supervisors in 1900 constituted more than the minimum amounts provided by law represented a combined population of 17,424,669, while the total compensation of the supervisors thereof amounted to $85,103.25, or an average compensation per thousand of population of $4.88.

Comparing the results for these two classes of districts with similar results for the 228 "minimum" districts, under the original and amended bases of compensation, the figures are as follows:

[Cents omitted.]

Class of district.	Number of districts.	Population.	Compensation under section 11.	Additional compensation.	Total compensation.
Per capita	6	10,416,430	$11,167	$6,019	$17,186
Above minimum	63	17,424,669	63,000	22,103	85,103
Minimum	228	48,153,476	228,000	55,360	283,360
All districts	297	75,994,575	302,167	83,482	385,649

The amounts of compensation paid in these three classes of districts, when applied to population, give very unequal rates per thousand of population as follows:

	Average per 1,000.
Under terms of section 11:	
Per capita	$1.07
Above minimum	3.62
Minimum	4.73
All districts	3.98
Including additional compensation:	
Per capita	1.65
Above minimum	4.88
Minimum	5.88
All districts	5.07

It seems to be clear, therefore, that the method of payment under the Twelfth Census acts was most unsatisfactory and inequitable when viewed generally, but, on the other hand, a per-diem compensation for supervisors at a fixed rate would not be equitable in any sense, because under such an arrangement no cognizance could be taken of differences in the conditions governing the work in the several districts. The only way that a different amount of compensation could be paid, for example, in a "city" as against a "country" district would be by regulating the period of service for which payment is made, but it would be, in practice, a difficult matter to control the date of the beginning and the end of the service, having reference only to the real needs of the work. Similarly, if a maximum and minimum rate per diem should be proposed, or if there should be a very high maximum to be reached only in special districts, the result would be that the maximum rate, or a rate very closely approaching it, would be established in the majority of cases, and the effort to provide a compensation in keeping with the character and extent of the service to be rendered would become largely inoperative.

The only fair basis of compensation, therefore, it seems to me is to provide a lump sum which may be paid in one or more installments before the final completion of the work, a series of rates per thousand of population to fit different conditions in the various sections of the country, and a minimum amount to be paid in any case where the lump sum added to the amount derived from the rate per thousand falls below an amount which it is assumed each and every supervisor should at least receive. This system of compensation is provided for in section 11 of the proposed Thirteenth Census act, and its application to the figures shown by the Twelfth Census may be illustrated as follows:

Limit of population.	Rate per 1,000.	Number of districts.	Total compensation.	Average compensation.
750,000 and over	$1.50	7	$20,290	[illegible]99
500 000 to 750,000	2.00	2	3,168	[illegible]
400,000 to 500,000	2.50	8	12,540	1,[illegible]
300,000 to 400,000	3.00	16	24,425	1
200,000 to 300,000	3.50	145	190,903	1
Under 200,000	4.00	119	146,832	1
All districts	[a] 3.59	297	398,158	1,[illegible]

[a] Average rate per 1,000 of population.

The total compensation of supervisors on this basis would have been $398,158, or an amount but slightly larger than that actually paid to supervisors in 1900, namely, $385,650. The latter amount should be somewhat reduced, however, on account of the slightly larger minimum of compensation ($1,250) actually paid to a very large proportion of the supervisors in 1900 as compared with that ($1,200) proposed for the Thirteenth Census—an equivalent in amount of $11,400, but partially offset by the sum of $1,290 which would have been required to bring the amount actually paid up to the proposed minimum amount ($1,200) for each of seven districts in which the work was completed by a special agent following the death or resignation of the supervisor originally commissioned for the work—bringing the actual compensation, for comparative purposes, to $375,540, or a final difference of $22,618. It should also be noted that under the proposed system of compensation only 39 supervisors, or 13.1 per cent of the whole number, would have received the "minimum" compensation, as compared with 228, or 76.7 per cent, who were actually paid that amount under the provisions of the Twelfth Census acts. As a matter of course, under any system of compensation which may be devised where the amount of the population enumerated is made a factor, there will always be a small proportion of districts to which the minimum compensation must apply, but it is believed that in the scheme now proposed the number of such districts has been very nearly brought to its lowest point, as is further illustrated by the following table:

Limit of population.	Number of districts.	Compensation at $4 per 1,000	Added to make "minimum" amount.
170,000 to 175,000	10	$11,920	$80
165,000 to 170,000	10	11,688	312
160,000 to 165,000	7	8,044	356
150,000 to 160,000	4	4,464	336
100,000 to 150,000	5	5,124	876
Less than 100,000	3	2,280	1,320
Total	39	43,520	3,280

By estimating the population in 1910 on the basis of the results shown by the last two censuses (whether Federal or State) for each of 326 districts in continental United States, as explained in the preceding section (number of supervisors), it is possible to test the adequacy of the proposed system of compensation with respect to the population as it is likely to appear in general at the Thirteenth Census. A table for 1910, based upon these estimates, follows:

Limit of population.	Rate per 1,000.	Number of districts.	Total compensation.	Average compensation.
750,000 and over	$1.50	7	$24,564	$3,509
500,000 to 750,000	2.00	6	9,820	1,637
400,000 to 500,000	2.50	5	8,051	1,610
300,000 to 400,000	3.00	24	36,162	1,507
200,000 to 300,000	3.50	189	251,643	1,331
Under 200,000	4.00	95	117,256	1,234
Total	[a] 3.52	326	447,496	1,376

[a] Average rate per 1,000 of population.

The compensation of supervisors in 1910, under the system proposed, is not likely therefore to exceed $450,000, or an increase over the amount actually paid in 1900 ($385,650) of 16.7 per cent, a figure which is probably less, rather than more, than the rate of increase in the population itself. There would also be only 26 districts, or 8 per cent of the whole number, in which the compensation, as above estimated, would fall below $1,200, and the total amount that would be needed to raise the compensation in these districts to at least that "minimum" is but $2,024.

The series of rates per thousand of population provided for in the proposed Thirteenth Census act are predicated upon a minimum compensation of $1,200, and any change in the minimum amount which each and every supervisor must at least receive, whether higher or lower, will affect necessarily the several rates to be paid for each thousand of population enumerated.

CLERKS AND OTHER ASSISTANTS TO SUPERVISORS.

In connection with the work of the supervisors there is another important feature to be considered, and that is, the number of clerks and other assistants that is necessary to the, as nearly as may be, immediate supervision of the work of the enumerators. These requirements in general are provided for in sections 11 and 18 of the proposed census act and are very essential needs of the work; and this was clearly demonstrated by the experience of the Twelfth Census, at which nearly $260,000 was expended for the necessary office and field requirements of the supervisory work. Every supervisor should have one or more clerks for practically the entire period of service, with additional help at the time of the enumeration in many cases; and if it is the purpose, as it certainly should be, to bring the work of the enumerators under much closer and more direct supervision than has heretofore been possible under a temporary census organization, then the number of persons (special agents or detailed employees) designated to assist the supervisors in this work must be increased materially. Of the total amount actually disbursed in 1900 for these two classes of service, practically $200,000, in round numbers, was for clerk hire and not quite $60,000 for the employment of special agents to assist the supervisors in the enumeration work.

This latter sum was largely expended in providing supervisors' assistants in each of the larger cities which constituted a single supervisor's district in itself, or largely so, and in such of the smaller cities (not the place of residence of a supervisor) as contained at least 25 enumeration districts. This represented the employment of upward of 400 special agents, and by this means something more than 10,000 enumerators, or about one-fifth of the whole number, were brought under personal and substantially daily supervision during the progress of their work. This principle of direct and constant supervision should be extended to cover practically the entire body of enumerators, by dividing not alone the cities into small subdistricts, as heretofore, but by making in rural districts the county (one or more, as the case may be) the basis of division to meet the demands of this closer supervision work. This will, of course, increase the cost of the supervisory work, but if properly administered it need not go beyond reasonable limits, all things considered, and the added cost over that incurred at former censuses will be reflected in the better quality of the returns themselves, and must result, under proper conditions, in the saving of both time and money in their examination and compilation. The entire cost of the supervisory work in 1900 was, in round numbers, $728,000, and, on the basis of a general increase of 25 per cent, the total amount needed for this purpose in 1910 would be $910,000, distributed as follows:

	1900.	1910.
Compensation and expenses of supervisors	$402,000	$500,000
Clerks and special agents	258,000	325,000
Interpreters	40,000	50,000
Miscellaneous expenses	28,000	35,000
Total	728,000	910,000

INTERPRETERS.

From the foregoing statement it appears that $40,000 was expended at the last census in the employment of interpreters, at a compensation as then provided of $4 for each day actually and necessarily employed. As a matter of experience, two difficulties have been encountered in this respect, first, in preventing their employment unnecessarily, and, second, in securing for the price named competent persons to act as interpreters where such service, upon due investigation, was found to be essential to the proper enumeration of certain classes of the population. The tendency at the period of a general census, naturally perhaps, is to provide employment for the greatest number of persons possible, but not always with reference solely to the real needs of the service, and it is with the purpose of seeking to prevent the undue employment of this class of persons that section 15 of the proposed act provides that "no authorization shall be given for such employment in any district until due and proper effort has been made to secure an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required." Provision is also made in the same section for the payment of $5 for each day of actual and necessary service, and this increase in compensation over that formerly paid should result in securing the services of thoroughly competent persons to act as

interpreters, particularly in the larger cities where their services can be utilized from day to day in different sections, and thus give them a somewhat longer tenure and at the same time obviate the necessity of the employment in all cases of a separate interpreter in each enumeration district where such employment becomes necessary, often for a very limited period only.

COMPENSATION OF ENUMERATORS.

In section 16 of the proposed act somewhat higher rates of compensation for enumerators, as compared with 1900, are provided, and it is hoped by a proper application of these higher rates, in the light of previous experience, to make the compensation of enumerators as nearly equitable as the actual conditions of the work will permit. The changes in the proposed rates from those of the last census are summarized as follows:

	1910.	1900.
For each inhabitant.....cents..	2 to 4	2 to 3
For each farm..... do....	20 to 30	15 to 20
For each inclosure of live stock.....do....	10	5 to 10
For each establishment of productive industry .....do....	20 to 30	20 to 30
Per diem rates.....dollars..	3 to 6	3 to 6

The total amount paid to enumerators at the Twelfth Census was $3,540,095, the total number of enumerators being 53,321 and the average payment to each enumerator, $66.39. If each enumerator in 1910 should receive, on the average, $65, the total cost for 60,000 enumerators (an increase over 1900 of 12.5 per cent) would be $3,900,000, and for 65,000 enumerators (an increase over 1900 of 21.9 per cent) it would be $4,225,000; and if it is assumed that each enumerator is likely to receive an average compensation of $70 these two figures would be raised to $4,200,000 and $4,550,000, respectively. In other words, with the increase in population, the somewhat higher rates of compensation now provided, and the proposed reduction of the maximum population of an enumeration district from 4,000 to 2,000, as provided in section 13, the total amount that will be required for the compensation of the enumerators in 1910 will certainly be at least $4,000,000, and it may go as high as $4,500,000.

In this connection, too, reference may be made very properly to the fact that under the terms of the proposed act (see section 10) the enumerator at the Thirteenth Census will not be required to swear to his account, as has heretofore been the case. It has been found in practice that the enumerator, particularly in country districts, has frequently been put to very considerable inconvenience in reaching an officer with a seal before whom he could swear to his account, and this trouble, and the confusion and delay oftentimes resulting therefrom, does not seem to be warranted inasmuch as, under the law, the accounts of the enumerators must be carefully checked and, if found correct, duly certified to by the supervisors before they are forwarded to the Director of the Census for payment. These accounts must be made in accordance with the rates of compensation duly established beforehand and all claims for services rendered thereunder must be borne out by the returns themselves, and it is not believed, therefore that there is much likelihood of an enumerator rendering a false account simply because he is no longer required to swear (but only to certify) as to its correctness.

PENALTIES FOR REFUSAL TO GIVE INFORMATION.

Section 23 of the proposed act has been broadened in two very important particulars in respect to the enumeration of population, first, in making all adult persons amenable not only for refusal or neglect to answer questions when properly requested, but also for willfully furnishing answers that are false; and, second, in providing a penalty for the refusal to furnish the names of occupants of, or to give to enumerators free ingress to or egress from, hotels, apartment houses, and other similar buildings. The first of these two requirements is intended to cover cases where individuals, acting singly or in combination, seek to swell unduly the population of a city or town through furnishing enumerators with false statements, by lists or otherwise, as to the inhabitants of buildings (dwellings, hotels, or other abodes, as the case may be) over which they are supposed to have the necessary jurisdiction; in other words, to prevent the "faking" of the population of boom towns and the like. The second requirement is of special application in the larger cities where great difficulty has

been experienced in former censuses in securing a full enumeration of the hotel and apartment-house population, partly through the objections of managers and agents to furnish information or to render any assistance to enumerators, even to the extent oftentimes of denying them entrance to the buildings themselves. The correct enumeration of city population is difficult enough under the best of conditions, and it is hoped that the latter requirement will be helpful in a direction in which there has been increasing opposition in recent enumerations.

INQUIRIES ON POPULATION SCHEDULE.

The inquiries relating to population to be made in 1910 should comprehend those mentioned in the Twelfth Census act, with these possible exceptions and additions:

(*a*) Omission of inquiries (columns 20 and 21 of population schedule) calling for a return of months not employed and attendance at school (in months). Both of these inquiries relate to parts of two calendar years (last seven months of one and first five months of the other) and, from the nature of the inquiries and the conditions under which they are obtained, the accuracy of the returns in both cases is a matter of grave doubt.

An inquiry was made on the population schedule in 1880 as to the "number of months * * * employed during the census year," but no specific reference to this inquiry is contained in the book of instructions to enumerators, and, furthermore, no attempt was made at that census to tabulate the returns in this respect. A similar inquiry was made in 1890 and again 1900, and the results derived therefrom were duly tabulated and presented in the reports of those censuses, but largely because the inquiry was specifically required by the law and not because the census officials believed that the results were at all accurate or reflected in any sense the real situation as to nonemployment for the periods named. It is not, from its very nature, a general census inquiry and the work of the census enumerators should not be thus hampered and delayed, particularly when it is known beforehand that the results obtained offhand, and without special care or interest, by a large body of temporary employees are not likely to produce data possessing much, if any, statistical significance.

Similarly, the fact as to school attendance can be readily ascertained, if deemed advisable, but the amount of school attendance (in months), obtained by means of such an inquiry on the population schedule, is of doubtful value, because, as before stated, of the very great probability, if not certainty, of its inaccuracy.

(*b*) The addition of an inquiry as to relationship to head of family. This inquiry is necessary in order to define each person's status in the family to which he may be assigned by the enumerator and its use acts as a deterrent, in some respects at least, against possible "padding" of the population returns; that is, in an attempt to pad the population of a given district by means of fictitious returns, the enumerator must enter not alone the name and other facts called for by the schedule, but must state, in addition, the relation which each of such persons bears to the head of the family to which he or she may be falsely assigned; or, if fictitious entries shall have been made by an enumerator and such persons shall have been returned either as constituting separate families of a single person each, or as groups of persons having no real relationship to one another, or as "boarders" or "lodgers" in families having a positive relationship (blood or legal) between its remaining members, the undue number of such entries, or the excessive size of families due to such cause, in an ordinary residential district would be likely, in the course of a detailed inspection of the returns, to lead an investigation as to their validity and thus prevent error and fraud, both as affecting the number of inhabitants and the amount of compensation to be paid to the enumerator. Furthermore, the inquiry as to the relationship has additional value in testing the accuracy of the return as to other items, as, for example, age, nativity, and occupation, and with respect to occupation is of statistical value as indicating what proportion of the family membership may be possibly self-supporting through having a gainful occupation, or for gainful workers in different occupation groups what their status may be in the families in which they reside, as head, wife, children, boarders, or the like.

(*c*) In connection with the return of occupation, provision should be made for ascertaining the class of worker and, if possible, by whom employed. Under the first category an inquiry was made at the New York State enumeration of 1905 as to whether the person was an enployer (Emp), working for salary or wage (W), or working on own account (O A), and with an apparently successful result, although the returns have not been tabulated, so far as my present knowledge goes. Under the second category a return would be required for each salary or wage worker of the name of the corporation, firm, or person by whom employed, so that, to the

extent that the inquiry was successful, the means would be at hand for the better classification of the occupatiou data. The consideration of occupation with reference to the place of employment will thus aid materially in determining the proper classification, particularly in industry, and their tabulation with respect to class of worker and family relationship will furnish data not heretofore secured or presented as a part of the United States census.

The subdivision of the return with respect to occupation herein proposed will not necessitate any addition to the law relative to the inquiries on the population schedule, but is comprehended under the general term of "occupation" as now provided.

PERMANENT AND TEMPORARY OFFICE FORCE.

No consideration has been given in this communication to the detailed work in the Office after the completed schedules shall have been received, partly for lack of time and partly because no new legislation is likely to be needed concerning these matters except in one particular, namely, the selection, organization, and compensation of the regular and temporary office force. This seems to be very fully provided for in section 3 to 7, inclusive, of the proposed act, and, if fairly adequate compensation is ultimately provided for the official force during the decennial census period, as contemplated by section 5, and transfers between the permanent and temporary forces are permitted in the discretion of the Director of the Census, there seems to be nothing in the law as now proposed to prevent the possibility of securing readily a skilled and efficient organization for the Thirteenth Census work.

Very respectfully,

WM. C. HUNT,
Chief Statistician for Population.

REPORT OF ADVISORY COMMITTEE, THIRTEENTH CENSUS.

ITHACA, N. Y., *February 4, 1908.*

Hon. S. N. D. NORTH,
Director of the Census, Washington, D. C.

SIR: The advisory committee appointed by the Secretary of Commerce and Labor, May 19, 1904, by a circular letter, the essential part of which is as follows: "Upon the recommendation of the Director of the Census, I have the honor to designate you a member of an advisory committee to consult and confer with him in reference to the plans for the Thirteenth Decennial Census of the United States, with a view to eliminating the defects of previous censuses, determining its proper scope, and perfecting its methods," held a meeting in Washington, January 12, 1908, for the consideration of H. R. 7597—"A bill to provide for the Thirteenth and subsequent decennial censuses"—and has the honor to submit the following suggestions.

The advisory committee recommended certain changes in the law, the nature of which is best indicated by the accompanying copy whereupon the changes which they favor have been indicated. I will mention them in order, with brief explanations.

Page 1, line 9, and page 7, line 13, the committee recommended that after "Porto Rico" the words "and Guam, Samoa, and other minor dependencies" should be inserted in order to make the census of 1910 cover all territory under the United States flag except the Philippine Islands.

Page 4, line 14, the committee was unanimously in favor of changing the word "noncompetitive" to "competitive," on the ground that a competitive examination would probably secure clerks of a higher grade of efficiency to perform the office of the Thirteenth Census.

Page 6, line 25, the committee favored changing the words "and mechanical" to "or household," in order to avoid the ambiguity of the word "mechanical" and to make more clear exactly what forms of industry are to be excluded.

Page 8, line 3, the committee favored adding after "district" the following provision: "*And provided further*, That any supervisor abandoning, neglecting, or improperly performing the duties required of him by this act may be removed by the Director of the Census, and any vacancy thus caused or otherwise occurring during the progress of the enumeration may be filled by the Director of the Census." This provision the committee believed to be important, as enabling the Director to carry through the emergency work of the census with a minimum of delay and as concentrating in his hands the power of initiative and the responsibility needed for work of such a character.

Page 25, lines 1 to 11, after some conference with the representative of the Department of Agriculture on the committee, the committee voted unanimously to recommend that section 33 be omitted, on the ground that it is not germane to the main purpose of the bill, and that there are no peremptory reasons for securing legislation on this subject at the earliest possible moment.

Page 25, line 12, the committee favored omitting the words "and once every ten years thereafter," on the ground that they believe it will be desirable at future censuses to enumerate the population of the Philippine Islands at the same time with the rest of the population under the United States flag. They were, however, of the opinion that there is no pressing necessity for taking another census of the Philippine Islands at a date only seven years after the excellent census of 1903, and that to do so might endanger or impair the work of the census in the United States itself.

After suggesting these modifications the committee unanimously favored the bill with all its other details.

It voted specifically its indorsement of certain provisions, namely:

1. The inclusion of a census of mines and quarries (p. 1, line 4) with that of population, agriculture, and manufactures, on the ground that the line between manufacturing on the one hand and mining and quarrying on the other is a line almost impossible for the Census Office to draw or to follow, and that the difficulties of doing so are steadily increasing.

2. The provisions in section 6 (p. 4, lines 9 to 12) and in section 18 (p. 16, lines 7 to 9) extending the field within which the Director is given discretion to pay special agents or other employees on a piece-price basis, on the ground that such form of payment is likely to prove in many such cases both more equitable and more economical.

3. The increase in the maximum number of supervisors from 300, in 1900, to 330, in 1910 (p. 7, lines 17 to 18), on the ground that this would secure a more effective supervising of the field work, and would conform to the desire of Congress that the number of supervisors should stand in a close relation to the total number of Members in the House of Representatives.

4. The change in the date when the Thirteenth Census shall be taken and for which most of its figures shall speak, from June 1, 1910, to April 15, 1910 (p. 11, line 5, and p. 17, line 8), on the ground that the difficulties of securing an accurate census of the resident population, especially in the cities, during the month of June, are steadily increasing, and that there is a clear and a growing balance of advantage in favor of April 15 over June 1, or any other alternative date for future censuses.

5. The change in the population of the average enumeration district from 4,000 to 2,000 (p. 12, line 13), on the ground that this is simply a recognition in the law of what the practice of the Office has found to be expedient and almost necessary.

6. The last paragraph of section 23 (p. 19, line 17, to p. 20, line 10), as furnishing a legal ground for the claim of the representatives of the Census Office to obtain the information needed for the census, and to that end to have free access to hotels, apartment houses, etc.

7. The provisions of section 24 (pp. 20 and 21), stating more clearly than has been done in similar laws the legal duty of officers of establishments engaged in productive industry to answer the questions of the census schedule relating thereto.

8. The provisions of section 25 (p. 21), furnishing a more effective guaranty than heretofore of the confidential character of the returns as needed in many cases and desirable in all to enlist that public confidence without which census inquiries must fail.

9. The provisions of section 31 (pp. 23 and 24), regarding the schedules of State censuses taken in 1915, and each tenth year thereafter, on the ground that the original schedules, or complete copies of the same, would have a greater statistical value to the Federal Government than two-fifths of their cost of production and that such a provision may tend to increase the number of such State censuses or make their scope and contents more harmonious with the Federal decennial census.

All of which is respectfully submitted.

CARROLL D. WRIGHT, *Chairman;*
WALTER F. WILLCOX,
DAVIS R. DEWEY,
WILLET M. HAYS,
Committee.

[From statement of Hon. S. N. D. North, Director of the Census.]

No. 1.—*Number of enumerators and clerks, and time required, for collecting and tabulating census returns, with number of pages of main reports published, and cost.*

Census year.	Number of marshals or supervisors.	Number of assistant marshals or enumerators.	Legal period for enumeration, excluding extensions (months).	Time actually consumed in complete enumeration (months).	Greatest number of clerks employed.	Total number of pages in published reports.	Total population.	Total cost.	Cost per capita.	Elapsed time from census date to date of publication of Population volume.	
										Years.	Months.
1790...	17	[a] 650	9	18.0	None.	56	3,929,214	$44,377.28	$0.0112	1	8
1800...	24	[a] 900	9	16.5	None.	74	5,308,483	66,109.04	.0124	1	6
1810...	30	[a] 1,100	5	10.0	None.	413	7,239,881	178,444.67	.0246	1	3
1820...	31	1,188	6	15.0	([b])	288	9,638,453	208,525.99	.0216	1	7
1830..	36	1,519	6	14.0	43	171	12,866,020	378,545.13	.0294	1	10
1840...	41	2,167	5	([c])	28	890	17,069,453	833,370.95	.0488	1	9
1850...	45	3,231	4	20.5	160	1,605	23,191,876	1,423,350.75	.0613	1	9
1860...	64	4,417	5	([c])	184	2,879	31,443,321	1,969,376.99	.0626	3	9
1870...	75	[d] 68 6,530	4	15.0	438	2,406	38,558,371	3,421,198.33	.0877	2	4
1880...	150	31,382	1	1.0	1,495	5,245	50,429,345	5,790,678.40	.1148	2	10
1890...	175	46,804	1	1.0	3,143	10,220	62,979,766	11,547,127.13	.1833	4	10
1900...	300	[d] 2,648 52,871	1	1.0	3,554	10,900	76,149,386	11,854,817.91	.1550	1	7

[a] Estimated; records destroyed by fire.
[b] Amount expended for clerks, $925.
[c] Unknown.
[d] Field agents, not included with enumerators.

No. 2.—*Estimated cost of the Thirteenth Census as compared with the approximate cost of the Twelfth Census.*

		Estimated cost of the Thirteenth Census.	Approximate cost of the Twelfth Census.
Decennial Census.			
Office force (compensation)		$5,050,000	$5,655,000
Enumerators (compensation)		4,250,000	3,540,000
Supervisors (compensation, clerk hire, travel, and other expenses)		910,000	670,000
Special agents (compensation, travel, and other expenses)		700,000	645,000
Administrative (travel, telegraph, furniture, machines, etc)		300,000	250,000
Stationery		200,000	150,000
Rent		125,000	100,000
Tabulating machinery		150,000	395,000
Cards for tabulating machines		100,000	95,000
Alaska		85,000	70,000
Porto Rico		155,000	[a] 130,000
Printing		800,000	820,000
Total		12,825,000	12,520,000
Annual reports for 3 years, 1909-1912.			
Cotton-field work	$645,000		
Cities and mortality field work	210,000	855,000	
Cotton clerical work	35,000		
Cities and mortality clerical work	210,000		
Forest-statistics clerical work	36,000		
Official Register clerical work (2 issues)	50,000	331,000	
Total		14,011,000	12,520,000

[a] Cost of census taken by the War Department in 1899.

NOTE.—On the basis of an increase in cost proportionate to the estimated increase in population, i. e., 20 per cent, the Thirteenth Census proper will cost approximately $15,000,000, to which amount should be added the cost of the three annual reports for the decennial census period, $1,186,000, making a total of $16,186,000.

No. 3.—*Number of persons employed in field work at the Twelfth Census, 1900.*

	Supervisors.	Clerks to supervisors.	Special agents to assist supervisors.	Enumerators.	Interpreters.
United States	300	929	423	53,678	3,828
Alabama	8	23	.....	1,231	3
Alaska	2	.....	.....	47	.....
Arizona	1	2	.....	128	65
Arkansas	6	13	1	926	4
California	6	18	14	1,263	144
Colorado	2	6	3	591	50
Connecticut	1	6	5	554	177
Delaware	1	2	1	105	8
District of Columbia	1	10	3	160	4
Florida	2	5	2	299	12
Georgia	11	25	1	1,276	.....
Hawaii	1	.....	2	108	.....
Idaho	1	2	.....	164	36
Illinois	16	72	46	3,409	189
Indian Territory	1	2	3	191	45
Indiana	13	30	5	1,952	26
Iowa	11	28	3	1,770	22
Kansas	7	16	2	1,405	33
Kentucky	11	26	19	1,329	3
Louisiana	6	20	4	726	17
Maine	2	6	1	495	42
Maryland	4	17	15	765	46
Massachusetts	1	3	24	1,858	171
Michigan	12	30	10	1,817	122
Minnesota	7	39	50	1 697	90
Mississippi	7	19	.....	859	8
Missouri	13	45	18	2,302	19
Montana	1	5	1	234	39
Nebraska	6	28	5	1,076	48
Nevada	1	3	.....	54	13
New Hampshire	1	3	.....	280	49
New Jersey	6	18	16	1,123	210
New Mexico	1	3	.....	194	29
New York	19	95	74	4,541	450
North Carolina	9	25	1	1,238	7
North Dakota	1	3	.....	279	68
Ohio	19	47	24	2,934	168
Oklahoma	1	2	.....	278	39
Oregon	2	7	1	379	56
Pennsylvania	19	62	47	4,720	998
Rhode Island	1	6	2	266	11
South Carolina	6	17	.....	754	1
South Dakota	2	5	.....	457	60
Tennessee	10	22	1	1,511	3
Texas	13	35	4	1,853	81
Utah	1	4	.....	220	17
Vermont	1	2	.....	298	13
Virginia	10	24	2	1,110	3
Washington	2	6	2	397	42
West Virginia	4	9	1	588	26
Wisconsin	9	31	10	1,592	48
Wyoming	1	2	.....	80	13

APPENDIX B.

[PUBLIC—No. 183.]

AN ACT To provide for taking the Twelfth and subsequent censuses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a census of the population, of deaths, and of the manufacturing, mechanical, and agricultural products of the United States shall be taken in the year nineteen hundred, and once every ten years thereafter.

SEC. 2. That there shall be established in the Department of the Interior a Census Office, the chief officer of which shall be denominated the Director of the Census. It shall be his duty to superintend and direct the taking of the Twelfth Census of the United States, in accordance with the laws relating thereto, and to perform such other duties as may be required of him by law. The Director of the Census shall be appointed, as soon as practicable after the passage of this act, by the President, by and with the advice and consent of the Senate, and shall receive an annual salary of

six thousand dollars; and there shall also be an Assistant Director of the Census, to be appointed in like manner, who shall be an experienced practical statistician, and shall receive an annual salary of four thousand dollars: *Provided*, That nothing herein contained shall be construed to establish a census bureau permanent beyond the Twelfth Census.

SEC. 3. That during the absence of the Director of the Census, or when the office of Director shall become vacant, the Assistant Director shall perform the duties of the Director.

SEC. 4. That there shall also be in the Census Office, to be appointed by the Director thereof in the manner hereinafter specified, five chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of three thousand dollars each; a chief clerk, one disbursing clerk, and one geographer, at an annual salary of two thousand five hundred dollars each; five expert chiefs of division and two stenographers, at an annual salary of two thousand dollars each; ten clerks of class four, fifteen clerks of class three, twenty clerks of class two, and such number of clerks of class one, and of clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, to be appointed from time to time, as may be found necessary for the proper and prompt performance of the duties herein required to be undertaken. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of fifty thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury, quarter-yearly, of all moneys and properties which shall be received by him by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

The Director of the Census may also appoint one captain of the watch, at a salary of eight hundred and forty dollars per annum; two messengers, and such number of watchmen, assistant messengers, and laborers, at salaries of six hundred dollars each per annum; messenger boys, at salaries of four hundred dollars each per annum; and charwomen, at salaries of two hundred and forty dollars each per annum, as may be necessary to carry out the provisions of this act.

SEC. 5. That the chief clerk and the chief statisticians provided for in section four of this act, and all other employees authorized by this act below the Assistant Director of the Census, shall be appointed by the Director of the Census, subject to such examination as said Director may prescribe: *Provided*, That no examination shall be required in the case of enumerators or special agents, nor of employees below the grade of skilled laborers at six hundred dollars per annum: *And provided further*, That employees in existing branches of the departmental service, whose services may be specially desired by the Director of the Census, not exceeding six in all, may be transferred without examination, and at the end of such service the employees so transferred shall be eligible to appointment in any department without additional examination, when vacancies exist.

SEC. 6. That the collection of the information required by this act shall be made, under the direction of the Director of the Census, by supervisors, enumerators, and special agents, as hereinafter provided.

SEC. 7. That the Twelfth Census shall be restricted to inquiries relating to the population, to mortality, to the products of agriculture and of manufacturing and mechanical establishments. The schedules relating to the population shall comprehend for each inhabitant the name, age, color, sex, conjugal condition, place of birth, and place of birth of parents, whether alien or naturalized, number of years in the United States, occupation, months unemployed, literacy, school attendance, and ownership of farms and homes; and the Director of the Census may use his discretion as to the construction and form and number of inquiries necessary to secure information under the topics aforesaid. The mortality schedules shall comprehend for each decedent the name, sex, color, age, conjugal condition, place of birth, and birthplace of parents, occupation, cause and date of death, and if born within the census year, the date of birth. The form and arrangement of the schedule and the specific questions necessary to secure the information required shall be in the discretion of the Director. The schedules relating to agriculture shall comprehend the following topics: Name of occupant of each farm, color of occupant, tenure, acreage, value of farm and improvements, acreage of different products, quantity and value of products, and number and value of live stock. All questions as to quantity and value of crops shall relate to the year ending December thirty-first next preceding the enumeration. The specific form and division of inquiries necessary to secure information under the foregoing topics shall be in the discretion of the Director of the Census. The schedules of inquiries relating to the products of manufacturing and mechanical establishments

shall embrace the name and location of each establishment; character of organization, whether individual, cooperative, or other form; date of commencement of operations; character of business or kind of goods manufactured; amount of capital invested; number of proprietors, firm members, copartners, or officers, and the amount of their salaries; number of employees, and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous expenses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed. The form and subdivision of inquiries necessary to secure the information under the foregoing topics relating to manufacturing and mechanical industries shall be in the discretion of the Director of the Census. The information collected shall be of and for the fiscal year of such corporations or establishments having its termination nearest to and preceding the first of June, nineteen hundred. Whenever he shall deem it expedient, the Director of the Census may withhold the schedules for said manufacturing and mechanical statistics from the enumerators of the several subdivisions in any or all cases, and may charge the collection of these statistics upon special agents, to be employed without respect to locality. In cities or States where an official registration of deaths is maintained the Director of the Census may, in his discretion, withhold the mortality schedule from the several enumerators within such cities or States, and may obtain the information required by this act through official records, paying therefor such sum of money as may be found necessary, not exceeding two cents for each death thus returned. The Director of the Census is also authorized and directed to make suitable provisions for the enumeration of the population and products of Alaska and the Hawaiian Islands, for which purpose he may employ supervisors and enumerators or special agents as he may deem necessary. The only volumes that shall be prepared and published in connection with the Twelfth Census, except the Special Reports hereinafter provided for, shall relate to population, mortality and vital statistics, the products of agriculture, and of manufacturing and mechanical establishments, as above mentioned, and shall be designated as and constitute the Census Reports, which said reports shall be published not later than the first day of July, nineteen hundred and two. The report upon population shall include a series of separate tables for each State, giving by counties the number of male persons below and above the age of twenty-one years, their color, whether native or foreign born, whether naturalized or not, and their literacy or illiteracy. All terms expressing weight, measure, distance, or value shall be expressed in the terms of the English language as spoken in this country.

SEC. 8. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of this act, the Director of the Census is hereby authorized to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to deaths and births in registration areas; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone and telegraph business; to transportation by water, express business and street railways; to mines, mining, and minerals, and the production and value thereof, including gold, in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time and aggregate earnings in the various branches and aforesaid divisions of the mining industry: *Provided*, That the reports herein authorized relating to mines, mining, and minerals shall be published on or before July first, anno Domini nineteen hundred and three. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end. For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided. The statistics of deaths and births provided for in this section shall be obtained from, and restricted to, the registration records of such States and municipalities as possess records affording satisfactory data in necessary detail, in the discretion of the Director, the compensation for the transcription of which shall not exceed two cents for each birth or death reported. The statistics of special classes, and of crime, pauperism, and benevolence specified in this section shall be restricted to institutions containing such classes: *Provided*, That at the time of the census enumeration the data relating to these classes may, in the discretion of the Director of the Census, be collected by the enumerators of such institutions, who shall receive compensation therefor at rates not exceeding,

in per capita districts, five cents for each name enumerated and returned. The collection of statistics authorized by this section shall be made at such time or times and in such manner as will not interfere with nor delay the rapid completion of the census reports provided for in section seven of this act, and all reports prepared under the provisions of this section shall be designated as "Special Reports of the Census Office."

SEC. 9. That the Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the Twelfth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census to be appointed within each State and Territory, the District of Columbia, Alaska, and the Hawaiian Islands, who shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of such supervisors shall not exceed three hundred: *And provided further*, That wherever practicable and desirable the boundaries of the supervisors' district shall conform to the boundaries of Congressional districts.

SEC. 10. That each supervisor of census shall be charged with the performance, within his own district, with the following duties: To consult with the Director of the Census in regard to the division of his district into subdivisions most convenient for the purpose of enumeration, which subdivisions shall be declared and the boundaries thereof fixed by the Director of the Census; to designate to the Director suitable persons, and, with the consent of said Director, to employ such persons as enumerators within his district, one or more for each subdivision and resident therein; but in case it shall occur in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that subdivision the supervisor may employ any fit person to be the enumerator of that subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in event of discrepancies or deficiencies appearing in the returns for his district to use all diligence in causing the same to be corrected and supplied; to forward to the Director of the Census the completed returns for his district in such time and manner as shall be prescribed by the said Director, and to make up and forward to the Director the accounts required for ascertaining the amount of compensation due to each enumerator in his district, which accounts shall be duly sworn to by the enumerator, and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so sworn to and certified shall be accepted by the said Director, and payment shall be made thereon by draft in favor of each enumerator. The duties imposed upon the supervisor by this act shall be performed, in any and all particulars, in accordance with the instructions and directions of the Director of the Census: *Provided*, That if the supervisor of any district has not been appointed and qualified on the ninetieth day preceding the date fixed for the commencement of the enumeration, the Director of the Census may appoint a special agent, who shall be a resident of the same district, to perform the work of subdivision into enumeration districts: *And provided*, That any supervisor who may abandon, neglect, or improperly perform the duties required of him by this act may be removed by the Director of the Census, and any vacancy thus caused or otherwise occurring during the progress of the enumeration may be filled by the Director of the Census.

SEC. 11. That each supervisor of census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of one hundred and twenty-five dollars, and in addition thereto, in thickly settled districts, one dollar for each thousand or majority fraction of a thousand of the population enumerated in such district, and in sparsely settled districts one dollar and forty cents for each thousand or majority fraction of a thousand of the population enumerated in such district; such sums to be in full compensation for all services rendered and expenses incurred by him, except that in serious emergencies arising during the progress of the enumeration in his district, or in connection with the reenumeration of any subdivision, he may, in the discretion of the Director of the Census, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during his necessary absence from his usual place of residence, and that an appropriate allowance for clerk hire may be made when deemed necessary by the Director of the Census: *Provided*, That in the aggregate no supervisor shall be paid less than the sum of one thousand dollars. The designation of the compensation per thousand, as provided in this section, shall be made by the Director of the Census at least one month in advance of the date fixed for the commencement of the enumeration.

SEC. 12. That each enumerator shall be charged with the collection, in his subdivision, of facts and statistics required by the population schedule, and such other schedules as the Director of the Census may determine shall be used by him in connection with the census, as provided in section seven of this act. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and

each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this act as of date June first of the year in which the enumeration shall be made. And in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families or person or persons living nearest to such place of abode; and it shall be the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district as his returns under the provisions of this Act; and in the event of discrepancies or deficiencies being discovered in his said returns he shall use all diligence in correcting or supplying the same. In case the subdivision assigned to any enumerator embraces all or any part of any incorporated borough, village, town, or city, and also other territory not included within the limits of such incorporated borough, village, town, or city, or either, it shall be the duty of the enumerator of such subdivision to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of all or any part of such borough, village, town, or city, as may be embraced in the subdivision assigned to such enumerator, from the inhabitants of the territory not included therein. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of census of the district to which he belongs a commission, under his hand, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him.

Sec. 13. That the subdivision assigned to any enumerator shall not exceed four thousand inhabitants as near as may be, according to estimates based on the preceding census or other reliable information, and the boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines: *Provided*, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

Sec. 14. That any supervisor of census may, with the approval of the Director of the Census, remove any enumerator in his district and fill the vacancy thus caused or otherwise occurring. Whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, the Director of the Census may cause such imcomplete and unsatisfactory enumeration and census to be amended or made anew under such methods as may, in his discretion, be practicable.

Sec. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed four dollars per day for each day actually and necessarily employed.

Sec. 16. That the compensation of the enumerators shall be ascertained and fixed by the Director of the Census as follows: In subdivisions where he shall deem such allowance sufficient, an allowance of not less than two nor more than three cents for each living inhabitant and for each death reported; not less than fifteen nor more than twenty cents for each farm; and not less than twenty nor more than thirty cents for each establishment of productive industry enumerated and returned may be given in full compensation for all services. For all other subdivisions per diem rates shall be fixed by the Director of the Census according to the difficulty of enumeration, having reference to the nature of the region to be canvassed and the density or sparseness of settlement, or other considerations pertinent thereto; but the compensation allowed to any enumerator in any such district shall not be less than three dollars nor more than six dollars der day of ten hours' actual field work each. The subdivisions to which the several rates of compensation shall apply shall be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census, and the decision of the Director as to the amount due any enumerator shall be final.

Sec. 17. That the special agents appointed under the provisions of this act shall have equal authority with the enumerators in respect to the subjects committed to them under this act, and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from their

usual place of residence: *And provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work.

SEC. 18. That no supervisor, supervisor's clerk, enumerator, interpreter, or special agent shall enter upon his duties until he has taken and subscribed to an oath or affirmation, to be prescribed by the Director of the Census; and no supervisor, supervisor's clerk, enumerator, or special agent shall be accompanied by or assisted in the performance of his duties by any person not duly appointed as an officer or employee of the Census Office, and to whom an oath or affirmation has not been duly administered. All appointees and employees provided for in this act shall be appointed or employed, and if examined, so examined, as the case may be, solely with reference to their fitness to perform the duties herein provided to be by such employee or appointee performed, and without reference to their political party affiliations.

SEC. 19. That the enumeration of the population required by this act shall commence on the first day of June, nineteen hundred, and on the first day of June of the year in which each succeeding enumeration shall be made, and be taken as of that date. And it shall be the duty of each enumerator to complete the enumeration of his district and to prepare the returns hereinbefore required to be made, and to forward the same to the supervisor of census of his district, on or before the first day of July in such year: *Provided*, That in any city having eight thousand inhabitants or more under the preceding census the enumeration of the population shall be taken and completed within two weeks from the first day of June as aforesaid.

SEC. 20. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as enumerator or clerk or other employee, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk, or other employee, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than three thousand dollars, or be imprisoned not more than one year, or both, in the discretion of the court.

SEC. 21. That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or any other employee, who, having taken and subscribed the oath of office required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the Director of the Census, communicate to any person not authorized to receive the same any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars; or if he shall willfully and knowling swear or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding three years and be fined not exceeding eight hundred dollars; or if he shall willfully and knowingly make a false certificate or a fictitious return, he shall be guilty of a misdemeanor, and upon conviction of either of the last-named offenses he shall be fined not exceeding five thousand dollars and be imprisoned not exceeding two years.

SEC. 22. That each and every person more than twenty years of age belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of such family, shall be, and each of them hereby is, required, if thereto requested by the Director, supervisor, or enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family in the various particulars required, and whoever shall willfully fail or refuse to render such true account shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars. And every president, treasurer, secretary, director, agent, or other officer of every corporation, and every establishment of productive industry, whether conducted as a corporate body, limited liability company, or by private individuals, from which answers to any of the schedules, inquires, or statistical interrogatories provided for by this act are herein required, who shall, if thereto requested by the Director, supervisor, enumerator, or special agent, willfully neglect or refuse to give true and complete answers to any inquires authorized by this act, or shall willfully give false information, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten thousand dollars, to which may be added imprisonment for a period not exceeding one year.

SEC. 23. That all fines and penalties imposed by this act may be enforced by indictment or information in any court of competent jurisdiction.

SEC. 24. That the Director of the Census may authorize the expenditure of necessary sums for the traveling expenses of the officers and employees of the Census Office and the incidental expenses essential to the carrying out of this act, as herein

provided for, and not otherwise, including the rental of sufficient quarters in the District of Columbia and the furnishing thereof and the maintenance of the printing outfit in the Census Office.

SEC. 25. That the Director of the Census is hereby authorized to print and bind in the Census Office such blanks, circulars, envelopes, and other items as may be necessary; and to print, publish, and distribute from time to time bulletins and reports of the preliminary and other results of the various investigations required by this act.

SEC. 26. That in case the Director of the Census deems it expedient he may contract for the use of electrical or mechanical devices for tabulating purposes: *Provided*, That in such case due notice shall be given to the public, and no system of tabulation shall be adopted until after a practical test of its merits in competition with other systems which may be offered.

SEC. 27. That all mail matter, of whatever class, relative to the census and addressed to the Census Office, the Director of the Census, Assistant Director, chief clerk, supervisors, enumerators, or special agents, and indorsed "Official business, Department of the Interior, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

SEC. 28. That the Secretary of the Interior, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

SEC. 29. That such records, books, and files as relate to preceding censuses, and the printing-office outfit used in the Eleventh Census, and such furniture and property of whatever nature used at the Eleventh Census as may be necessary in conducting the work of the Census Office and can be spared from present uses, shall be transferred to the custody and control of the Census Office created by this act. The said furniture and property shall be inventoried by the proper officers of the Department of the Interior when such transfer is made, and a copy of the inventory filed and preserved in the office of the Secretary of the Interior and of the Director of the Census.

SEC. 30. That upon the request of the governor of any State or Territory, or the chief officer of any municipal government, the Director of the Census shall furnish such governor or municipal officer with a copy of so much of the population returns as will show the names, with the age, sex, color, or race, and birthplace only of all persons enumerated within the territory in the jurisdiction of such government, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of, and in addition to, the appropriations made for taking the census.

SEC. 31. That the Director of the Census shall provide the Census Office with a seal containing such device as he may select, and he shall file a description of such seal with an impression thereof in the office of the Secretary of State. Such seal shall remain in the custody of the Director of the Census, and shall be affixed to all certificates and attestations that may be required from the Census Office.

SEC. 32. That for the organization and equipment of the Census Office to perform the preparatory work necessary to carry out the provisions of this act, the sum of one million dollars, to be available on the passage of this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to continue available until exhausted. Of said appropriation such amount as may be considered by the Director of the Census to be necessary for immediate preliminary printing may be expended under the direction of the Public Printer. And the Secretary of the Interior shall submit to the Secretary of the Treasury, on or before October first, eighteen hundred and ninety-nine, further estimates for the work herein provided for.

SEC. 33. That the act entitled "An act to provide for the taking of the Eleventh and subsequent censuses," approved March first, eighteen hundred and eighty-nine, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved, March 3, 1899.

[PUBLIC—No. 27.]

AN ACT To provide for a permanent Census Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Census Office temporarily established in the Department of the Interior in accordance with an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, is hereby made a permanent office.

SEC. 2. That the work pertaining to the Twelfth Census shall be carried on by the Census Office under the existing organization until the first day of July, nineteen hundred and two, when the permanent Census Office herein provided for shall be organized by the Director of the Census.

SEC. 3. That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of six thousand dollars. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

SEC. 4. That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the Department to which the said Census Office is attached, four chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of two thousand five hundred dollars each; a chief clerk, at an annual salary of two thousand five hundred dollars, who, in the absence of the Director, shall serve as Acting Director; a disbursing clerk, who shall also act as appointment clerk, at an annual salary of two thousand five hundred dollars; one stenographer, at an annual salary of one thousand five hundred dollars; four expert chiefs of division, at an annual salary of one thousand eight hundred dollars each; six clerks of class three; ten clerks of class two; and such number of clerks of class one, and of clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, messengers, assistant messengers, watchmen, and charwomen as may be necessary for the proper and prompt performance of the duties required by law. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of twenty-five thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with surety, to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 5. That all employees of the Census Office, at the date of the passage of this act, except unskilled laborers, may be appointed by the Director of the Census with the approval of the head of the Department to which said Census Office is attached, and when so appointed shall be and they are hereby placed, without further examination, under the provisions of the civil service act approved January sixteenth, eighteen hundred and eighty-three, and the amendments thereto and the rules established thereunder; and persons who have served as soldiers in any war in which the United States may have been engaged, who have been honorably discharged from the service of the United States, and the widows of such soldiers, shall have preference in the matter of employment; and all new appointments to the permanent clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil service act above referred to.

SEC. 6. That all the provisions of the act of March third, eighteen hundred and ninety-nine, relating to the Twelfth Census, not inconsistent with the provisions of this act, shall remain in full force and effect for the taking of the Thirteenth and subsequent censuses.

SEC. 7. That section eight of the act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of this act, the Director of the Census is hereby authorized decennially to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone, and telegraph business; to transportation by water, express business, and street railways;

to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries until July first, nineteen hundred and four. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided: *Provided*, That the statistics of special classes, and of crime, pauperism, and benevolence specified in this section, shall be restricted to institutions containing such classes and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section eight of said act entitled "An act to provide for taking the Twelfth and subsequent censuses": *Provided*, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address.

SEC. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year nineteen hundred and two, and annually thereafter, the data for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed two cents for each birth or death reported.

SEC. 9. That in the year nineteen hundred and five, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that in addition to the statistics now provided for by law the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners and bulletins giving the results of the same shall be issued weekly beginning September first of each year and continued until February first following; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

SEC. 10. That section seventeen of the act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

"SEC. 17. That the special agents appointed under the provisions of this act have like authority with the enumerators in respect to the subjects committed to them under this act and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from their usual place of residence: *And provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections seven, eight, and nine, in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from the Census Office. All employees of the Census Office shall be citizens of the United States."

SEC. 11. That the printing office established in the Census Office is hereby abolished to take effect July first, nineteen hundred and two, and the outfit and equipment therein shall be turned over to the Public Printer; and the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

SEC. 12. That the supplemental acts amendatory of the act of March third, eighteen hundred and ninety-nine, approved February first, nineteen hundred, May tenth, nineteen hundred June second, nineteen hundred, February twenty-third,

nineteen hundred and one, are hereby repealed; and all provisions of the act of March third, eighteen hundred and ninety-nine, inconsistent with this act are hereby repealed.

Approved, March 6, 1902.

[PUBLIC—No. 87.]

AN ACT To establish the Department of Commerce and Labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of eight thousand dollars per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

SEC. 2. That there shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the division of bookkeeping and warrants, and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

SEC. 3. That it shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this act, be transferred to or included in the Department of Commerce and Labor, or which may hereafter, in accordance with the provisions of this act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the Department of Commerce and Labor and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of said Department.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the Department of Commerce and Labor, to remain henceforth under the jurisdiction of the

latter; that the Department of Labor, the Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the Department of Commerce and Labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the Secretary of Commerce and Labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his Department; and the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said Department, and to consolidate any of the statistical bureaus and offices transferred to said Department; and said Secretary shall also have authority to call upon other Departments of the Government for statistical data and results obtained by them; and said Secretary of Commerce and Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Commerce and Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Commerce and Labor.

SEC. 5. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of four thousand dollars per annum. There shall also be in said bureau such clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the Secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section three of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

SEC. 6. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in said bureau a deputy commissioner who shall receive a salary of three thousand five hundred dollars per annum, and who shall in the absence of the Commissioner act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

In order to accomplish the purposes declared in the foregoing part of this section, the said Commissioner shall have and exercise the same power and authority in

respect to corporations, joint stock companies and combinations subject to the provisions hereof, as is conferred on the Interstate Commerce Commission in said "Act to regulate commerce" and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate commerce" and by "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, supplemental to said "Act to regulate commerce," shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

SEC. 7. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories, and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: *Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the act entitled "An act to regulate immigration," approved August third, eighteen hundred and eighty-two. That the authority, power, and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate therefor.

SEC. 8. That the Secretary of Commerce and Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

SEC. 9. That the Secretary of Commerce and Labor shall have charge, in the buildings or premises occupied by or appropriated to the Department of Commerce and Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the Department of Commerce and Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however*, That where any office, bureau, or branch of the public service transferred to the Department of Commerce and Labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further*, That all officers, clerks, and employees now employed in or by any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Commerce and Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Commerce and Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect until otherwise provided by law.

SEC. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office,

officer, board, branch, or division of the public service by this act transferred to the Department of Commerce and Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce and Labor.

All duties, power, authority and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the Secretary of Commerce and Labor from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners, and the Steamboat-Inspection Service to the Department of Commerce and Labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby replealed.

SEC. 11. A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor; and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, such information as pertains to the work of the Department of Commerce and Labor; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law.

SEC. 12. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce and Labor, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred.

SEC. 13. That this act shall take effect and be in force from and after its passage: *Provided, however,* That the provisions of this act other than those of section twelve in relation to the transfer of any existing office, bureau, division, officer, or other branch of the public service or other authority now conferred thereon to the Department of Commerce and Labor shall take effect and be in force on the first day of July, nineteen hundred and three, and not before.

Approved, February 14, 1903.

[PUBLIC—No. 202.]

AN ACT To amend section seven of an act entitled "An act to provide for a permanent Census Office," approved March sixth, nineteen hundred and two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seven of the act entitled "An act to provide for a

permanent Census Office," approved March sixth, nineteen hundred and two, be, and the same is hereby, amended so as to read as follows:

"SEC. 7. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of the act of March third, eighteen hundred and ninety-nine, entitled 'An act to provide for taking the Twelfth and subsequent censuses,' the Director of the Census is hereby authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the Director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as 'Special Reports of the Census Office.' For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided. And the Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed, and the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census."

Approved June 7, 1906.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 964.

BONDS FOR TERRITORIAL IMPROVEMENTS IN NEW MEXICO.

FEBRUARY 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HIGGINS, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 17055.]

The Committee on the Territories, to whom was referred the bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, having had the same under consideration, report it back to the House with the recommendation that it pass.

In March, 1907, the thirty-seventh legislative assembly of the Territory of New Mexico passed three laws, providing for the issuance of the bonds of the Territory, the proceeds to be used in the erection or extension of various public buildings.

One of these acts, approved March 20, 1907, authorized the issuance of bonds to the amount of $40,000, the proceeds to be used in the construction of armory buildings for the use of national guard organizations in the Territory, such buildings to be located at Santa Fe, Silver City, Las Cruces, and Roswell. The bonds are to be payable in thirty years and are to draw interest at the rate of 4 per cent per annum, payable semiannually.

Another act of the legislative assembly, approved March 21, 1907, provided for the issuance of bonds to the amount of $50,000, the proceeds to be used in constructing an extension to the present capitol building, which is now inadequate for the needs of the Territory, and $10,000 of which to be used in the erection of an executive mansion. These bonds are payable in thirty years and draw 4 per cent interest.

A third act of the legislative assembly, approved March 21, 1907, being an act to provide funds and make appropriations for the fifty-ninth and sixtieth fiscal years, provided in sections 37, 38, and 39, for the issuance of bonds to the amount of $125,000, the proceeds to be used in the maintenance and improvement of certain Territorial institutions, as follows:

University of New Mexico	$30,000
New Mexico Military Institute	20,000
New Mexico Normal University, Las Vegas	10,000
New Mexico Normal School, Silver City	10,000
New Mexico School of Mines	15,000
New Mexico College of Agriculture and Mechanic Arts	30,000
Miner's Hospital at Raton	10,000

These bonds are also to run for thirty years and draw interest at the rate of 4 per cent per annum, payable semiannually.

The total amount of the bonds authorized by the three acts is $215,000. Careful provision appears to have been made for the disposition of the bonds and for the use of the proceeds therefrom. There appears to be no doubt that the indebtedness is being incurred for public necessities.

The reason why it is necessary for the Territory of New Mexico to ask Congress to ratify these acts is found in section 3 of the act of Congress approved July 30, 1886, which section is as follows:

> That no law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory, except in the following case: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation.

In view of this limitation, where the debt of a Territory exceeds 1 per cent of the assessed valuation of property, any bonds which might be issued by the Territory incurring further indebtedness would be invalid and could not be sold, no matter how great a public necessity demanded the incurrence of the obligation. Therefore the express assent of Congress to the incurrence of indebtedness above the 1 per cent limit is required and has heretofore been given in a great many cases.

Upon careful investigation the committee has ascertained through the treasurer of the Territory of New Mexico that the bonded indebtedness of the Territory July 1, 1907, was $803,000; that since that date bonds to the amount of $50,000 have been paid; that there is now on hand as a sinking fund for the redemption of bonds the sum of $64,764.27, so that on January 17, 1908, the net Territorial debt was $688,235.73.

It should perhaps be stated that the policy of the Territory in issuing new bonds and paying off old ones is wise, because the older bonds bear a comparatively high rate of interest and the new ones a low rate.

The net assessed valuation of property subject to tax, as shown by the tax rolls compiled by the traveling auditor of the Territory, is $48,509,097.26. On this basis the net indebtedness of the Territory is about 1.42 per cent of the assessed valuation, and therefore the Territory could not, under the provision of the act of July 30, 1886, above referred to, incur further indebtedness without the consent of Congress.

The committee believes that the indebtedness sought to be incurred under the three acts above referred to is justified by conditions in the Territory, and that the Territory in these cases ought to have the permission of Congress to issue the bonds.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 965.

PASSENGER TRANSPORTATION BETWEEN HAWAII AND THE MAINLAND.

FEBRUARY 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13465.]

The Committee on the Merchant Marine and Fisheries having had under consideration the bill (H. R. 13465) "to amend the laws concerning transportation between the ports of the Territory of Hawaii and other ports of the United States," report the same with an amendment and the recommendation that the bill do pass as amended.

The purpose of this measure is to afford temporary relief to, and additional facilities for, passenger travel between the Hawaiian Islands and the mainland of the United States

Owing to the discontinuance of the Oceanic Steamship Company's service to Australia, and the law prohibiting foreign steamers which make Honolulu a port of call from transporting passengers from Hawaii to San Francisco, the people of the Hawaiian Islands have three less passenger steamships available for travel from the port of Honolulu than they had when the annexation act was passed ten years ago. The present conditions are an additional hardship because of the fact that the volume of passenger travel has meantime increased more than 50 per cent.

During the past year there have been numerous occasions when the time between sailings of American ships has been from eight to twenty-one days, with intervals of ten or twelve days a frequent occurrence. In numerous cases the American steamers calling at Honolulu en route to San Francisco from the Orient, have not been able to provide cabin space for more than from 10 to 60 per cent of the passengers booked for those steamers.

The people of Hawaii say, with much reason, that it was never the purpose in annexing those islands to the United States to make communication with the mainland more difficult than it was when they were a foreign country.

No change of the law as regards freight transportation is asked, nor are lower steamer fares sought; the purpose is only to secure the

physical possibility of travel when business or personal reasons demand it.

Inasmuch as Hawaii has no alternative of land travel, the application of the coastwise laws to those islands has created a total inhibition of travel for the varying periods between American steamer sailings, such as was not contemplated in the passage of those laws.

This bill as amended specifically provides that its operation shall cease as soon as a new line of three American steamships shall be placed in this service.

The measure is neither asked nor intended as any departure from the true intent of the American shipping laws, but is merely designed to give temporary facilities for travel till such time as a proper support of the American merchant marine will enable it to supply an adequate passenger service between Hawaii and mainland ports. We look upon the circumstances that justify this temporary expedient as peculiar and unusual and largely the fault of the Congress in not enacting adequate legislation. It is very unlikely that they can be duplicated, and this bill can not be relied upon as in any sense a precedent for any legislation that will in any degree permanently impair the integrity of the coastwise laws.

This bill may involve some interesting constitutional questions, but as they were not raised or insisted upon before the committee, and it is doubtful if they would arise in such a manner as to cause any embarrassment, we express no opinion thereon.

This bill, it will be seen, as amended answers the suggestions and is in accordance with the recommendations of the Secretary of the Department of Commerce and Labor, as appears by his communication, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 3, 1908.

DEAR SIR: Your letter of January 24 has been received, inclosing H. R. 13465, "A bill to amend the laws concerning transportation between the ports of the Territory of Hawaii and other ports of the United States." In reply to your request for my views upon the bill, I invite attention to the following extract from my report for 1907:

"The need of better transportation facilities for passengers between Hawaii and the Pacific coast was impressed upon me during a recent inspection trip to the Territory. In consequence of the failure to provide sufficient mail pay at the last session of Congress, our mail line to Australia by way of Honolulu and the Samoan group has recently been abandoned. This abandonment is a serious blow to our political and commercial prestige on the Pacific, but the loss is felt especially by the people of Hawaii. The three steamers of this line made seventeen or eighteen voyages annually between Honolulu and San Francisco, and vice versa, and of this regular and comfortable means of travel the people of Honolulu and the islands are now deprived. The importance of knitting to ourselves as closely as possible our insular territory in the Pacific does not need argument. The sentiment in Hawaii in favor of suspending the law which restricts passenger trade between the Territory and the mainland to American vessels is indisputably general and strong. The suspension desired will not be necessary if Congress be willing at the coming session to pass a bill for improved mail communication with South America, Australia, and Asia, as already suggested."

A bill (S. 28) for improved mail communication with South America, Australia, and Asia in accord with the recommendations of the President in his annual message, of the Postmaster-General in his annual report, and with the views I have reiterated above has been favorably reported by the Senate Committee on Commerce, and a similar bill (H. R. 4068) is pending before the House Committee on the Post-Office and Post-Roads. The passage of that measure would obviate action upon H. R. 13465.

Large considerations of public policy, which are doubtless evident to you, suggest that as rapidly as possible the general conditions of the permanent population of

Hawaii, so far as affected by national legislation, be assimilated to conditions of the population of the mainland of the United States. Furthermore, the Territory of Hawaii is admirably adapted to the needs of part of our population as a temporary resort, winter or summer. The people of Hawaii are entitled to regular and frequent means of transportation by first-class steamships to and from our mainland. Between the years 1900 and 1906 American steamship companies had considerably improved such facilities, but in 1907 through the withdrawal of the Oceanic Line to Australia and through accidents to the steamships *Mongolia* and *Manchuria* those facitiies were curtailed.

H. R. 13465 in effect proposes to open the passenger trade between Hawaii and the mainland of the United States to the three Japanese steamships of the Toyo Yusen Kaisha, which for some years have received an annual subsidy of about $500,000 from the Japanese Government. Before admitting these steamships partially to the coasting trade, which our traditional policy reserves to American vessels, in my opinion your committee may wait until the disposition of Congress toward the ocean-mail bill is more clearly indicated. That bill will not only improve transportation facilities for the people of Hawaii, but will also improve our mail facilities, increase the force of American naval auxiliaries on the Pacific, and promote commerce. If, however, that measure should not pass, it is desirable that Congress should provide other improved facilities for the passenger trade of Hawaii.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

Hon. WM. S. GREENE,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 966.

EXTENSION OF STREET RAILWAY LINES TO THE UNION STATION.

FEBRUARY 18, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of Michigan, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 902.]

The Committee on the District of Columbia, to whom was referred the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, report the same back to the House with the recommendation that it do pass, when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the City and Suburban Railway of Washington be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from New Jersey avenue and G street northwest eastwardly to and along Massachusetts avenue, with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, to junction with the existing track at Third and D streets northeast and a single track extension thence to the northwest corner of Stanton square, there to connect with the present track of the City and Suburban Railway; also, by double tracks, on North Capitol street southwardly from the intersection of G street to Massachusetts avenue, to connect with the tracks of the City and Suburban Railway hereinbefore authorized.

SEC. 2. That the Washington Railway and Electric Company be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza; thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized, and with the two tracks provided for in section eight of this Act; also a double track extension of its lines from First and B streets northeast northwardly on First street to the Union Station plaza; thence eastwardly in said plaza and near to the southern curb thereof to connect with the tracks of the City and Suburban Railway, hereinbefore authorized, and with the two tracks provided for in section eight of this Act.

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from Florida avenue and Seventh street northwest southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there to connect with existing tracks of the Capital Traction Company; also a double track extension from the tracks hereinbefore authorized on Florida avenue southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along said Massachusetts avenue southeastwardly to the said plaza, and with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets northeast, thence east on F street north to Eighth street east to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double track extension of its lines from Seventh and T streets northwest eastwardly along T street to Florida avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double track extension of its lines from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza, thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double track extension on North Capitol street from D street to Massachusetts avenue to connect the tracks of said company hereinbefore authorized; also a double track extension of its tracks from First and C streets northeast northwardly on First street to the Union Station plaza, thence eastwardly in said plaza and near to the southern curb thereof to connect with the tracks of the Capital Traction Company hereinbefore authorized, and with the two tracks provided for in section eight of this Act.

SEC. 4. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required to construct and extend by double tracks the lines of its underground electric railroad from the intersection of Second and E streets southeast northwardly along Third street to East Capitol street, there to connect with existing tracks of the Washington Railway and Electric Company.

SEC. 5. That the said street railway companies mentioned in this Act be, and they are hereby, authorized and required, within eighteen months from the date of the passage of this Act, and it shall be the duty of each of them, to remove their respective railway tracks and appurtenances from the following streets, and at the time of their removal to repair, restore, and make good in all respects the space now occupied by said railway tracks and appurtenances to the satisfaction and written approval of the Commissioners of the District of Columbia, namely: G street northwest, from North Capitol street to New Jersey avenue; C street north, from First street east to Fourth street east; D street north, from First street east to Massachusetts avenue; First street west, from C street north to G street north; Sixth street west, from Louisiana avenue to B street north, and Louisiana avenue, from Fifth street west to Sixth street west; and upon neglect or refusal of said companies to remove their respective tracks and to repave, repair, restore, and make good said space to the satisfaction of the said Commissioners within the time above limited, any said street railway company so neglecting or refusing shall be deemed guilty of a misdemeanor and shall be subject to the penalty provided in section seven hundred and ten of the Code of Laws for the District of Columbia regarding the removal of abandoned tracks, and said Commissioners are authorized without notice to remove said tracks and to repave the space occupied by same and charge the cost thereof to such railroad company, whatever may be the manner or cost of doing said work, and to collect the cost thereof in the manner provided in section five of an Act of Congress entitled "An Act to provide a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

SEC. 6. That the companies hereinbefore named be, and they are hereby, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia, and the cost thereof and all the other costs and expenses of construction, removal of tracks, repairs, and restoration in this Act mentioned shall be borne and paid solely by said street

railway companies, and they shall be solely liable for all damages to persons and property occasioned by any construction or work authorized by this Act.

SEC. 7. That the construction of the underground electric street railway lines in this Act hereinbefore mentioned shall be commenced within thirty days and completed on or before February first, nineteen hundred and nine; and in default of such commencement or completion within said time or within the extension of time by this section specified, all corporate rights, franchises, and privileges of any street railway company so in default shall immediately cease and determine: *Provided*, That the Commissioners of the District of Columbia may, for good cause shown in writing, extend the time for completion; but the said Commissioners shall in no case grant such extension for a longer period than six months.

SEC. 8. That where the route or routes provided for in this Act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of double tracks only shall be constructed and shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage: *Provided*, That there shall be only one set of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than seventy feet from the axis of the south portico of said station.

SEC. 9. That authority is hereby given the Commissioners of the District of Columbia to use such portion of reservation numbered seventy-seven as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given said Commissioners to acquire by purchase or to condemn, in accordance with existing law, for street purposes, so much of square numbered six hundred and twenty-six, lying north of the north building line of square numbered five hundred and sixty-seven, extended, as they may deem necessary, and the cost of acquiring said property as above shall be paid by the City and Suburban Railway Company of Washington: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square numbered five hundred and sixty-seven, extended, to become the property of said City and Suburban Railway Company of Washington as soon as the entire cost of acquisition as above specified shall be paid by it.

SEC. 10. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which said track or tracks are to be laid, such widening shall be done by said Commissioners, the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the railway company constructing such tracks, and the said railway company shall deposit with the collector of taxes of the District of Columbia in advance the estimated cost of changing or widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized, said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of two feet exterior to such track or tracks is collectible, under the provisions of section five of an Act entitled "An Act to provide a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

SEC. 11. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by the said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

SEC. 12. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of

construction and extension herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia and under a permit or permits from said Commissioners.

SEC. 13. That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated, except by authority of Congress; and unless said Metropolitan Coach Company shall, within one year after the passage of this Act, substitute motor vehicles to be approved by the Commissioners of the Distirct of Columbia for the herdics now used by it, its right to operate its line shall cease and determine: *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit as provided by rules and regulations to be made, altered, and amended from time to time by the Commissioners of the District of Columbia, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

SEC. 14. That the Washington Railway and Electric Company and the Capital Traction Company be, and they are hereby, authorized and required, jointly, to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of either North Capitol street or Delaware avenue and C street north, as the Commissioners of the District of Columbia may direct, said tracks to be constructed within sixty days from the date of the approval of this Act in accordance with plans approved by the Commissioners of the District of Columbia, said tracks to be maintained and operated by said companies to the satisfaction of said Commissioners, and to be removed by said companies after the construction of the permanent street railway tracks herein provided for within thirty days after notice from said Commissioners so to do.

SEC. 15. That, except as modified herein, the railway companies affected by this Act shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes, and shall be subject in respect thereto to all the other provisions of their charters and of law.

SEC. 16. That all street railway companies or lessees now operating or controlling, or hereafter operating or controlling their systems or part of their systems in the District of Columbia are hereby authorized and required, and shall, in said District, make or cause to be made and given, at all times, free, reciprocal, continuous, universal transfers, interchangeable to, from, and over the line or lines of every other street railway company or companies in said District, good and receivable at all junction points, intersections or connections of every said street railway company with the line or lines of every other said street railway company, for one continuous passage in one general direction for one cash or ticket fare. All said street railway companies are authorized and required to receive, accept, and honor all transfers made or given in accordance herewith, and to carry all passengers transferred without the payment of additional fare: *Provided*, That all said street railway companies shall sell six tickets for twenty-five cents.

The right and use of said transfer shall terminate and become void at the expiration of thirty minutes from the time of the arrival of the car at the transfer point, unless passage be delayed through the failure of the railroad company or companies, or of the railroad companies owning, leasing, or operating the same, to provide transportation within said time, in which case the transfer will be good until transportation is provided.

The Commissioners of the District of Columbia are hereby authorized to enforce compliance with the provisions hereof in any court of competent jurisdiction by mandamus, or other remedy either at law or in equity, in the name of the District of Columbia.

Any street railway company or any officer or agent thereof, who shall refuse to issue or receive a transfer, as provided by this section, or who shall violate any of the provisions of this section, shall for every violation thereof be punished by a fine of not more than one hundred dollars.

SEC. 17. That no transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street railroad, or from one car to another car upon the line of any street railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons

not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage shall be punished by a fine not exceeding twenty-five dollars.

SEC. 18. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall, on each and all of its railroads, supply and operate such number of cars, clean, sanitary, and in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not exceeding fifteen miles per hour, to all persons desirous of the use of said cars, without crowding said cars or the platforms thereof. The Commissioners of the District of Columbia are hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend, and enforce all needful rules and regulations to secure said obedience; and said Commissioners are given power to make all such orders and regulations necessary to the exercise of the powers herein granted to them as may be reasonable and proper; and such railroad companies or corporations, their officers and employees, are hereby required to obey all of the provisions of this section, and such regulations and orders as may be made by said Commissioners. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by the Commissioners, or permitting such violation, shall be punished by a fine of not more than one thousand dollars. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commissioners made thereunder, shall be regarded as a separate offense.

SEC. 19. Prosecutions for violations of any of the provisions of this Act shall be on information in the name of the District of Columbia, filed in the Police Court by the corporation counsel or any of his assistants.

SEC. 20. That Congress reserves the right to alter, amend, or repeal this Act.

Amend the title so as to read as follows: "Authorizing certain extensions to be made in the lines of the City and Suburban Railway of Washington, the Washington Railway and Electric Company, the Anacostia and Potomac River Railroad Company, and the Capital Traction Company, in the District of Columbia, and for other purposes."

In determining the necessary alterations and extensions of the existing street railway lines, in order to provide for the shortest, most direct and practicable routes to and from the new Union Station, the committee has been deeply impressed with the necessity not merely of considering present conditions, but also of anticipating, so far as possible, the future growth and development of the several quarters of the city. The committee also realized that whatever lines of trackage were to be adopted should be of a permanent nature and that, accordingly, no extension or alteration of the existing lines should be recommended, unless it appeared to be the best that could be adopted under all the circumstances and conflicting interests. As aids in arriving at proper conclusions, the committee granted hearings to the officers of the several street railway companies, to accredited representatives of citizen's associations and to individual citizens and property owners interested. As a result the committee has reached conclusions differing both from the original recommendations of the Commissioners of the District of Columbia and from the conclusions of the Senate. Hence this proposed substitute.

The following paragraphs present a brief statement of the several lines of trackage proposed, as well as a résumé of the other provisions of the bill, all the extensions and constructions recommended being by double tracks and underground electric system, unless otherwise specified.

CITY AND SUBURBAN RAILWAY.

Section 1 requires the City and Suburban Railway to construct and extend its line from New Jersey avenue and G street northwest eastwardly to and along Massachusetts avenue, with such northerly deviation as to connect with the proposed tracks immediately in front of and adjacent to the main entrance of the Union Station, proceeding thence to a junction with its existing track at Third and D streets northeast, and thence by a single track extension to the northwest corner of Stanton square, connecting there with its present track; also, to extend its line on North Capitol street southwardly from the intersection of G street to Massachusetts avenue, to connect there with its tracks hereinbefore authorized.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

Section 2 requires the Washington Railway and Electric Company to construct and extend its line from North Capitol and C streets, northwardly, along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza; thence westwardly near to the southern curb of the plaza to Massachusetts avenue; also to extend its lines from First and B streets northeast, northwardly on First street to the Union Station plaza; thence eastwardly near to the southern curb of the plaza, both extensions to connect with the tracks of the City and Suburban Railway, hereinbefore authorized, and with the tracks provided for in front of the main entrance of the Union Station.

CAPITAL TRACTION COMPANY.

Section 3 requires the Capital Traction Company to construct and extend its lines from Florida avenue and Seventh street northwest, southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there connecting with its existing tracks.

CROSS-TOWN LINE.

This constitutes what has been known, in the hearings before the committee, as the "cross-town line," connecting at Pennsylvania avenue with the road extending north from the navy-yard. The committee is agreed in asking for this service, for the reason that at the hearings before the committee it was developed that this extension would accomodate at least 100,000 people living in that portion of the city, as well as the people of other portions of the city coming into the east, northeast, and southeast. We believe that the city has so far developed that a cross-town line east and west and north and south, such as is herein indicated, should be granted to the people, and the Capital Traction Company has been authorized to construct this work, for the reason that the representatives of the Washington Railway and Electric Company stated, at hearings before the committee, that if that company were authorized to construct the line it would be unable to do so at this time, while, on the contrary, the representa-

tives of the Capital Traction Company stated, at such hearings, that their company would be glad to be requested and authorized to extend its lines as herein provided.

NEW JERSEY AVENUE LINE.

Section 3 also provides for another very important extension of the Capital Traction Company's lines, commencing at the track hereinbefore authorized on Florida avenue, southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along Massachusetts avenue, southeastwardly, to the plaza, with such northerly deviation as to connect with the tracks provided for in front of the main entrance to the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets northeast, thence east on F street north to Eighth street east, to connect with the tracks of the Capital Traction Company hereinbefore authorized.

Respecting the service down New Jersey avenue thus provided for, the committee is of the opinion that it affords, for the people in the northwest section of the city, a shorter route to the Union Station than any other suggested. That avenue is broad and will require widening for one block only, which will be an improvement, as the avenue will then be of uniform width from Florida avenue to Massachusetts avenue. A small portion of Reservation 77, at the intersection of New Jersey and Massachusetts avenues, is authorized to be taken to allow the proposed line to pass directly from New Jersey avenue to Massachusetts avenue.

The committee deems the New Jersey avenue route preferable to the North Capitol street route proposed in the Senate act, for the reason that the lines of the Washington Railway and Electric Company are already laid on North Capitol street, and experience demonstrates that where two different railway companies use the same tracks for any considerable distance there are times when the cars of one company are delayed by reason of defects or damages which are unavoidable, resulting in tying up the cars on both lines.

FURTHER EXTENSIONS OF CAPITAL TRACTION COMPANY'S LINES.

Section 3 also requires further extensions of the Capital Traction Company's lines, as follows:

From Seventh and T streets northwest, eastwardly along T street to Florida avenue, to connect with its tracks hereinbefore authorized.

From North Capitol and C streets, northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza, thence westwardly near to the southern curb of the plaza to Massachusetts avenue, to connect with the tracks of the Capital Traction Company hereinbefore authorized.

From D street to Massachusetts avenue on North Capitol street, to connect the tracks of said company hereinbefore authorized.

From First and C streets northeast, northwardly on First street to the Union Station plaza, thence eastwardly near to the southern curb

of the plaza, to connect with the tracks of said company hereinbefore authorized, and with the two tracks provided for in front of the Union Station.

These several extensions are deemed necessary to perfect the new arrangement of trackage required by the construction of the Union Station.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

Section 4 requires the Anacostia and Potomac River Railroad Company to construct and extend its lines from the intersection of Second and E streets southeast, northwardly along Third street to East Capitol street, there to connect with existing tracks of the Washington Railway and Electric Company.

TRACKAGE ON THE PLAZA.

The proposed trackage on the plaza consists only of one set of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than 70 feet from the axis of the south portico of the station or, in round numbers, 16 feet from the curb line, with such extensions at the ends, near the northern and southern curbs as are necessary to connect with the approaches along New and First streets, respectively. This leaves open and unobstructed the side of the plaza farthest from the station and looking toward the Capitol, thus reducing to a minimum the interference of the utilitarian construction with the ornamental features of the plaza.

REMOVAL OF CERTAIN TRACKS.

This rearrangement of trackage, so as to afford suitable approaches to the Union Station, renders unnecessary certain portions of existing tracks, and hence this proposed legislation requires the several railway companies, within eighteen months from the passage of the act, to remove tracks from, and to restore to proper condition the surface of, the following street sections, namely: G street northwest, from North Capitol street to New Jersey avenue; C street north, from First street east to Fourth street east; D street north, from First street east to Massachusetts avenue; First street west, from C street north to G street north; Sixth street west, from Louisiana avenue to B street north, and Louisiana avenue, from Fifth street west to Sixth street west.

MISCELLANEOUS PROVISIONS.

The removal of tracks and the consequent restoration of the street surface—the construction of duct lines—the widening of streets or roadways, including the laying of new sidewalks—and the adjustment of track grades to new street grades, when established by the Commissioners, are duly provided for, and, so far as they are rendered necessary to perfect the improvements required by this proposed legislation, they are to be done at the cost of the street railway companies concerned.

The railway companies affected are given the same rights, powers, and privileges, over the new routes proposed, as they have respecting their other routes, except as modified by the proposed bill.

The construction of the lines required by the proposed bill is to be commenced within thirty days and completed on or before February 1, 1909, but the Commissioners may, for good cause shown in writing, extend the time for completion, not to exceed six months.

Wherever the routes prescribed for two railways coincide, only one set of double tracks is allowed on the street, to be used by the companies in common, upon terms mutually agreed upon or settled by the Supreme Court of the District. And all the work of extension and construction, as well as the arrangement of tracks within the plaza lines, is to be done in accordance with plans approved by the Commissioners.

METROPOLITAN COACH COMPANY'S TRANSFERS.

By section 13 the existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, which are now merely a matter of agreement between the companies, are recognized and fixed, so that they can not be terminated, except by authority of Congress. And said Metropolitan Coach Company is required, within one year from the passage of the act, to substitute moter vehicles approved by the Commissioners of the District, for the herdics now used, under penalty of forfeiture of its right to operate its line.

TEMPORARY TRACKS TO STATION.

In order to furnish practicable access to the Union Station as soon as possible, the Washington Railway and Electric Company and the Capital Traction Company are authorized and required by section 14, jointly to construct within sixty days from the approval of the act, and to maintain and operate, according to plans approved by the Commissioners, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of either North Capitol street or Delaware avenue and C street north, as the Commissioners of the District of Columbia may direct, said tracks to be removed by said companies after the construction of the permanent street railway tracks, within thirty days after notice from the Commissioners so to do.

UNIVERSAL TRANSFER.

Sections 16 and 17 provide for free, reciprocal, continuous, universal transfers, to be given by any street railway company now or hereafter operating in the District of Columbia, interchangeable to, from and over the line or lines of every other company. These transfers are made good and receivable at all junction points, intersections or connections, for one continuous passage in one general direction, for one fare, whether paid in cash or by ticket, the provision for the sale of six tickets for twenty-five cents being retained. The giving and acceptance of transfers are enforced by suitable penalties. The life of a transfer is limited to thirty minutes, except

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 977.

RELIEF OF TOBACCO GROWERS.

FEBRUARY 19, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DALZELL, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 17520.]

The Committee on Ways and Means, to whom was referred House bills 217, 276, 302, 355, 4866, 6137, 7601, 7647, 10554, 15113, 16966, having had them under consideration, report to the House the accompanying bill (H. R. 17520) as a substitute therefor, and recommend that said substitute bill do pass.

This substitute bill is identical with the bill (H. R. 14972) reported by your committee in the last Congress, and passed by the House.

The report of your committee on said bill in the last Congress (H. Rept. No. 1340; 59th Cong.) explains the present bill, and is as follows:

The Committee on Ways and Means, to whom was referred House bills 449, 3013, 3686, 3087, and 13294, having had them under consideration beg leave to report a substitute.

The purpose of each and all of these bills was to afford relief to tobacco growers. To enact any one of them would necessarily result in reduction of the revenue. Being desirous of furnishing some relief, so far as practicable, along the lines suggested without sensibly affecting the revenue, your committee had a bill prepared by the Commissioner of Internal Revenue, and that is the bill which is now reported as a substitute for the bills hereinbefore recited.

The accompanying letters from the Commissioner of Internal Revenue fully explain the situation.

The present bill is identical with one reported to the last Congress and which passed the House April 18, 1904.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERAL REVENUE,
Washington, March 10, 1904.

SIR: In conformity with our conversation of last Saturday, I herewith inclose you draft of a bill amending subdivision 9 of section 3244 of the Revised Statutes so as to allow freer dealing in leaf tobacco.

Allow me to say, first, that so far as the effect upon the revenue is concerned, should this proposed bill be enacted, it is impossible to make an accurate, definite statement. To the extent that leaf tobacco in the "hand" displaces manufactured tobacco, both chewing and smoking, the revenue will be decreased, as in this way tobacco paying no tax will displace tobacco paying 6 cents per pound in the manufactured condition. I am of opinion that the decrease in revenue will be comparatively small.

Second. No annoyance will arise by reason of this amendment so far as the execution of the laws is concerned and in the proper administration of departmental affairs in the Internal-Revenue Bureau.

Third. The bill provides, as you will see, for compelling all persons who sell natural-leaf tobacco to manufacturers of tobacco, snuff, etc., to register as leaf dealers and keep account of their sales to manufacturers. This limitation is necessary for the proper supervision of tobacco manufacturers and will not in any way interfere with the privilege of the country merchant or other retail dealer selling for local consumption.

I am, respectfully, yours,

JOHN W. YERKES,
Commissioner.

Hon. JOHN DALZELL, M. C., *Washington, D. C.*

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 15, 1904.

MY DEAR MR. DALZELL: I regret I was out of the Office yesterday morning when you called. The Hon. John Wesley Gaines has been in the office and suggested the matters concerning which he conferred with you relative to the tobacco bill sent you by me a few days ago.

Mr. Gaines asked three questions with regard to this bill.

First, whether, under the bill suggested by this Office, a farmer could sell leaf tobacco of his own growth to an exporter without becoming a dealer in leaf tobacco?

The answer is distinct and positive that he can. The farmer and grower can sell to anyone, including persons who purchase leaf tobacco for export and manufacture. He can do this under the proposed amendment just as he does under the present law.

The last proviso in the bill sent you seems to have caused especial attention, for the reason that it directly mentions the fact that a farmer may sell to manufacturers without becoming a leaf dealer. This last proviso could have been obviated by inserting after the word "person," in the second proviso, the words "except farmers and growers of tobacco." If this had been done, then the clause following the words "sections 3359 and 3391, United States Revised Statutes," could have been omitted entirely.

There is absolutely no limitation, under the proposed amendment, to the right of the farmer to sell his leaf tobacco in its natural condition to any person he pleases—the individual consumer, the dealer in leaf tobacco, the manufacturer, the exporter, or to the country merchant, or anyone else.

The second question propounded by Mr. Gaines is: Does this amendment deny to the farmer the right to twist his leaf tobacco for his personal use?

My answer to this is that it does not. There is no statute directly conferring upon the farmer and grower of leaf tobacco the right to twist his leaf for his own use.

A manufacturer of tobacco is defined in the statute as one "whose business it is to manufacture tobacco," etc.

This Office has heretofore held that the farmer or grower may twist his tobacco for his own personal use, or the personal use of his friends or members of his family, without the right to sell or offer it for sale or remove it for sale from the place where the same is twisted, without the payment of any tax, and without qualifying as a manufacturer of tobacco, for the reason that this occasional twisting can not be considered as the "business" of the man to manufacture tobacco.

The right of the farmer to so twist tobacco is in no way enlarged or abridged or altered by the proposed amendment.

The third question submitted by Mr. Gaines is, Whether, under the amendment, the farmer can sell his leaf tobacco through an agent or an employee without delivering it in person?

This Office ruled that, under existing laws, this was a personal privilege to the farmer. Under this amendment, however, as the restrictions on persons dealing in leaf tobacco have been so largely removed, there would be no propriety in a ruling being now made limiting the sale or delivery of leaf tobacco of his own growth to the farmer in person.

This letter has been prepared after the most careful consideration of all the statutes by myself, and I am quite sure that the position taken herein is correct.

I am, very truly, yours,

JOHN W. YERKES, *Commissioner.*

Hon. JOHN DALZELL, M. C.,
Chairman Subcommittee Ways and Means Committee,
House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 978.

PHOENIX, ARIZ., TO ISSUE BONDS.

FEBRUARY 19, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 13097.]

Your committee, to which H. R. 13097 was referred, has duly considered the same and recommend that the bill do pass.

The reasons for the passage of the bill are fully set out in the letter of the mayor of the city and the resolution of the city council, which are herewith presented as a part of this report.

COUNCIL CHAMBER,
City of Phoenix, Ariz., December 10, 1907.

DEAR SIR: As supplemental and in explanation of the resolution of the city council and the draft of a proposed act of Congress which were mailed you on Saturday, the 7th instant, permit me to furnish you a few more facts which may be of use to you in securing prompt action by Congress, enabling the city of Phoenix to call an election to submit to the qualified electors of said city the question of whether or not the city should issue its bonds to pay off its floating indebtedness.

The floating indebtedness referred to in the proposed act, as evidenced by outstanding warrants drawing interest at the rate of 6 per cent per annum and issued under authority of various city councils elected prior to July 1, 1906, extending over a period of many years prior to said date, grows out of an excess of such expenditures over the total revenues derived by said city during such years from taxes authorized by law to be levied for general purposes and from license tax.

This deficit, extending over many years, as above stated, is accounted for by reason of the fact that under the law the amount which the common council may annually levy for general purposes is limited to 70 cents on every $100 of taxable property in said city. Prior to July 1, 1906, the city councils found that the annual levy of 70 cents and the revenue derived from license tax was insufficient to pay the running expenses for the year, and as the council was unable to increase the levy these various bodies took the other horn of the dilemma by issuing the warrants of said city, drawn on the city treasurer and against the general fund, until July 1, 1906, when the attention of the council was called to the fact that the charter of the city of Phoenix absolutely prohibited the council from creating any indebtedness or incurring any liabilities greater in any one year than the revenues derived for such year. From this date on the council has been conducting the city on the cash basis by curtailing expenses and raising licenses on saloons.

The warrants so issued are just obligations of the city of Phoenix, and are held very largely by citizens, taxpayers, and business men of this city, who are desirous

of obtaining the money that is rightfully due them. As the matter stands at the present time, the city council is powerless to take up these warrants and discharge these obligations. The writer feels confident that bonds of the city of Phoenix, drawing interest at 5 per cent, would find a ready market, and that the citizens would largely favor such an issue, as it would mean a saving of 1 per cent, or over $1,500 a year to the city.

Presuming to thank you in advance, for and on behalf of the common council of the city of Phoenix, for your prompt attention to this important matter, and with kindest regards, I beg to remain,

Yours, respectfully, L. W. COGGINS, *Mayor.*

Attest:

FRANK THOMAS, *City Recorder.*

Hon. MARCUS A. SMITH,
Delegate to Congress, Washington, D. C.

Whereas at a meeting of the common council of the city of Phoenix, in the county of Maricopa, Territory of Arizona, held in the council chamber in said city on the 2d day of December, 1907, at which meeting there was present a quorum of said common council of the city of Phoenix, the following resolution was adopted by a majority vote of said common council, viz:

[Resolution No. 312.]

Resolution authorizing the mayor and city recorder to request Delegate to Congress from Arizona to present a bill to Congress authorizing the city of Phoenix to issue bonds to pay its floating indebtedness.

The common council of Phoenix do resolve as follows:

Whereas it appears from the reports of the city treasurer on file in the city recorder's office of the city of Phoenix that the floating indebtedness created prior to July 1, 1906, and represented by the outstanding warrants, bearing interest at the rate of 6 per cent per annum and amounting to approximately $133,520.19, and the interest due thereon up until January 1, 1908, amounting to approximately $18,500, aggregating $152,000, and there is no authority of law whereby this indebtedness can be paid by the common council; and

Whereas said warrants are just obligations of the city of Phoenix and the holders thereof are desirous of being paid the money due on such warrants, and said city of Phoenix can save 1 per cent per annum on the total amount of said floating indebtedness by selling its bonds drawing not to exceed 5 per cent per annum and taking up said floating indebtedness: Now, therefore, be it

Resolved, That the mayor and city recorder be, and they are hereby, ordered and directed to write our Delegate in Congress, Hon. Marcus A. Smith, for and in the name and on behalf of the city of Phoenix, requesting him to present a copy of this resolution to the Congress of the United States, together with a copy of a bill as prepared by the city attorney, or a similar bill, to the end that said city of Phoenix may issue its bonds in a sum not exceeding $155,000 after having first submitted the question of the issuance of said bonds to a vote of the qualified electors of said city, whose names appear upon the last assessment roll of said city for municipal taxation, at an election to be held in said city, and that said mayor and city recorder express to said Delegate in Congress the desire of the common council that he use his utmost efforts to have such a bill pass Congress at the earliest possible date.

Passed by the common council of Phoenix this 2d day of December, A. D. 1907.

[SEAL.] L. W. COGGINS, *Mayor.*

Attest:

FRANK THOMAS, *City Recorder.*

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 979.

EXTENDING THE PRIVILEGE OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO PORT ARTHUR, TEX.

FEBRUARY 19, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 9079.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 9079) to make Port Arthur, in the State of Texas, a port of delivery in the customs collection district of Sabine, with the privilege of immediate transportation without appraisement of dutiable merchandise, having had the same under consideration, report the bill back to the House with amendments, and recommend that the bill as amended do pass.

By an act approved June 19, 1906 (chapter 3436, Stat. L.), an additional collection district in the State of Texas was provided for, said district to be known as the district of Sabine, with Port Arthur as the port of entry. This act was to take effect only when certain conditions as to ceding land, etc., to the United States had been complied with to the satisfaction of the Secretary of War. Your committee has been informed by the Secretary of War that these conditions have been complied with.

By section 2770 of the Revised Statutes all ports of entry are made also ports of delivery. The privileges of the seventh section of the act of June 10, 1880, would enable merchandise entering some other port and destined for Port Arthur to be immediately forwarded to the latter port and there examined and appraised.

The Acting Secretary of the Treasury, to whom this bill was referred, states:

> I have to state that Port Arthur is now the port of entry for the customs collection district of Sabine, and that all ports of entry are also ports of delivery. I see no objection to the extension to Port Arthur of the privileges of the act approved June 10, 1880, as dutiable merchandise arriving there may be examined and appraised by officers now stationed at said port.

For the reasons above given your committee recommend the following amendments:

Strike out all after the enacting clause and insert the following:

That the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled "An act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Chattanooga, in the State of Tennessee.

Also amend the title so as to read: "A bill to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1041.

PENSIONING SURVIVORS OF TEXAS VOLUNTEERS EMPLOYED IN DEFENSE OF FRONTIER FROM 1855 TO 1860.

FEBRUARY 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 1.]

The Committee on Pensions, to whom was referred the bill (H. R. 1) pensioning the surviving officers and enlisted men of the Texas volunteers, etc., have considered the same and respectfully report as follows:

A similar bill (H. R. 25892) was before your committee in the Fifty-ninth Congress, but was not reported to the House owing to lack of time for its consideration.

A small number of men are surviving who volunteered for the protection of the frontiers of the State of Texas against marauding Mexicans and Indians between the years 1855 and 1860 and who are not beneficiaries of the acts of Congress passed in grateful recognition of the valorous deeds of the pioneer defenders of the nation. They are now, nearly fifty years after the close of their service, of advanced age and consequent infirmity, if not entirely disabled, and, as a rule, in pecuniary need. It is probable that when the act of July 27, 1892, was passed its provisions were expected to extend to all those who took part in the early Indian wars, but the class named in the bill were not provided for because the period of their service was subsequent to that named in the act to bestow title to pension, though by later legislation (act of June 27, 1902) similar service rendered in other Indian wars and disturbances, as late as the year 1858, was recognized.

The following letters from the Adjutant-General set forth further pertinent facts:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 20, 1907.

SIR: Referring to your letter of the 16th instant, relative to a resolution (H. J. Res. 210, 59th Cong., 2d sess.) extending the benefits of existing Indian war pension laws to certain surviving officers and enlisted men (and their widows) who rendered mili-

tary service for thirty days or more in defense of the frontiers of the State of Texas against Mexican marauders and Indian depredations between February 28, 1855, and June 21, 1860, in which letter you request information as to whether the War Department holds that a "state of recognized warfare existed during the period and in the locality named," and if so, whether the proposed beneficiaries under the resolution were actual participants in the same, I beg leave to advise you as follows:

Nothing has been found of record to show whether a "state of recognized warfare" existed in Texas between February 28, 1855, and June 21, 1860. In this connection it is proper to remark, however, that in considering the proviso to the sixth section of the army appropriation act approved June 21, 1860, which section provided for "payment of volunteers called out in defense of the frontier of that State since the twenty-eighth day of February, eighteen hundred and fifty-five," the Secretary of War decided that "there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority." That decision was made November 15, 1860, and is printed as "No. 118" on page 133 of House Executive Document No. 277, Forty-second Congress, second session.

It is impracticable to ascertain from the records of the War Department whether the proposed beneficiaries under the resolution in question were actual participants in the operations in defense of the State of Texas against Mexican marauders and Indian depredations.

Under date of April 30, 1872, the Secretary of War, in accordance with a request of the sub-Committee on Appropriations, transmitted to the House of Representatives a report of Lieut. Thomas H. Bradley, Twenty-first Infantry, concerning the history and character of certain claims of the State of Texas. That report is printed as Executive Document No. 277, House of Representatives, Forty-second Congress, second session, and contains—

(1) A résumé of "the condition of affairs that may have rendered it necessary from time to time to employ Texan rangers or volunteers within that State" at various dates between November 1, 1854, and some time in September, 1860, for the purpose of suppressing Indian hostilities on the frontier; and

(2) An exhibit of the character of the troops, the circumstances under which employed, and, as far as ascertained, a history of their services.

A history of the disturbances and military operations in Texas during the period in question, so far as ascertainable from the records of the War Department, can be obtained from the document before referred to.

The letter of January 11, 1907, to Hon. A. S. Burleson, House of Representatives, inclosed with your communication, is herewith returned.

Very respectfully,

F. C. AINSWORTH, *The Military Secretary.*

Hon. H. C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1907.

SIR: In compliance with the request contained in your letter of yesterday, received this morning, for an estimate of the probable number of beneficiaries under the bill (H. R. 1, 60th Cong., 1st sess.) "pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes," who will survive on March 1, 1908, I beg leave to advise you as follows:

The rolls and other records on file in the War Department of troops in the service of the State of Texas between February 28, 1855, and June 21, 1860, in defense of the frontier of that State against Mexican marauders and Indian depredations, account for 1,301 officers and enlisted men. That number does not include 174 officers and men who were in the military service of the United States and who are probably pensionable under existing law.

The 1,301 officers and enlisted men before referred to may include some few duplications due to the service of the same man in different organizations at different times, but whether it does, and if so how many, can not be determined from the records. The number of such duplications, however, can not be very large, and to disregard it will probably not materially affect an estimate of the number of survivors at this remote date.

Assuming that the 1,301 officers and enlisted men were from 21 to 25 years of age at the date of their service, and having in mind the probability that many of those men

were in the military service (either Union or Confederate) during the civil war, and consequently were exposed to a higher rate of mortality during that period, it is estimated that on March 1, 1908, there will be surviving about 390 of those officers and men.

This office has no data upon which any estimate of the number of the surviving widows of those men that would be at all reliable can be based. However, assuming that every one of them who has died left a widow who has not since remarried, and also assuming that the widows were approximately ten years younger than their husbands, it is estimated that on March 1, 1908, there will be surviving approximately 400 widows entitled to the benefits of the bill under consideration.

Very respectfully,

F. C. AINSWORTH,
The Adjutant-General.

Hon. HENRY C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

A full reprint of Executive Document No. 277 (H. R., 42d Cong., 2d sess.) appears in Executive Document No. 19 (45th Cong., 2d sess.) and gives a detailed narrative of the organization, operations, engagements, casualties, and achievements of these forces. It is deemed unnecessary to reproduce the same herein at length.

The service of these veterans having been acknowledged by the Government in reimbursement of the State of Texas for their pay, and the uniform course of legislation having been to grant service pensions after the lapse of forty years from the war or disturbance on account of which pensions have been granted, and in appreciation of the inestimable value of their service and the perils, privations, and sufferings with which they were beset, all contained in history, your committee respectfully recommend the passage of the bill when amended as follows:

In line 9, after "extended," insert "from the date of the passage of this act."

In lines 10 and 11 strike out "participated" and insert "served."

In line 4, page 2, strike out "who have died."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1042.

STEEL FERRYBOAT AND STEEL CUTTER FOR IMMIGRATION SERVICE AT SAN FRANCISCO, CAL.

FEBRUARY 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAYES, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 16515.]

The Committee on Immigration and Naturalization, to whom was referred House bill 16515, report the same to the House, with a recommendation that it be amended by striking out in line 5 the words "and fifteen," and that when so amended the said bill do pass.

The immigrant station at San Francisco is at present, and for many years has been located on the mainland within the limits of the city of San Francisco, and while this station has been used no ferryboat, of course, has been needed. A new immigrant station is just now being finished on Angel Island, in San Francisco Bay, and will soon be ready for occupation. It can not be used without a ferryboat to transport immigrants and officials between the station on this island to San Francisco, a distance of some 5 miles. The need for this ferryboat and the steel cutter, authorized by the bill, is stated by the Commissioner-General of Immigration in his last annual report in these words:

> It will be necessary to either purchase or construct a steel ferryboat for service between Angel Island and the city of San Francisco, for which purpose the amount of $115,000 will be required; and a steel cutter for the use of the immigration officials in boarding incoming vessels, at a cost of $25,000, will also have to be supplied.

The committee are of the opinion that under present conditions $100,000 will be sufficient to provide a ferryboat of enough capacity to perform the service that will be required of it, and hence have recommended that the expenditure for this purpose be limited to that amount.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1044.

DAMS ACROSS SAVANNAH RIVER ABOVE AUGUSTA, GA.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. BARTLETT, of Georgia, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 3726.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsement attached, and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 7, 1908.

Respectfully returned to the Secretary of War.

Section 1 of the accompanying bill, S. 3726, to authorize the construction of dams across Savannah River, is identical with section 1 of the act of Congress approved February 27, 1907, which act is still in full force and effect. The only apparent reason for its reenactment, as proposed, is to extend the time for commencing and completing the structure authorized.

Section 2 of the bill proposes to authorize the construction of an additional dam at a point known as "Crouchs Bluff."

The bill is drawn in the usual form, and appears to make ample provision for the protection of navigation interests, and so far as those interests are concerned, I see no objection to its favorable consideration by Congress.

It is suggested, however, that if section 1 is retained in the bill in its present form, a provision should be inserted repealing the aforesaid act of February 27, 1907.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1045.

DISAPPROVAL OF CERTAIN LAWS OF THE TERRITORY OF NEW MEXICO.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. POWERS, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. J. Res. 94.]

The Committee on the Territories, to whom was referred the joint resolution (H. J. Res. 94), having had the same under consideration, report it back to the House with the recommendation that it do pass.

This legislation of New Mexico, to say the least, is unique and demonstrates the wisdom of the law giving Congress absolute control over the legislation of the Territories.

It is entitled "An act establishing the law and procedure in certain cases." In the judgment of the committee the title should be "An act to prevent persons receiving injuries through the carelessness of railroads and other corporations in the Territory of New Mexico from recovering any damages therefor."

In passing, the committee would say that the act did not commend itself to the governor of New Mexico, and was promptly vetoed by him, yet the legislature, for some cause which may be imagined, readily passed it over his veto.

The first section says there shall be no civil liability either at common law or under the statute on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in the Territory unless the person claiming damages shall, within ninety days after such injuries, serve upon the person or corporation against whom it is claimed, and at least thirty days before the commencement of suit, an affidavit, made before some person authorized to administer oaths, giving the name of the person receiving the injuries if the person be other than the affiant, the character and the extent of the injuries, the manner in which they were caused, the names and addresses of all witnesses, and the facts or any part thereof relating to such injuries, and shall also commence his action within one year after the injuries occurred in the district court in the county in which they occur or where the defendant resides, said action

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1047.

DEFINING A LEGAL CORD OF WOOD.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. JOHNSON, of Kentucky, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 14772.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia, report the same back to the House with the recommendation that it do pass.

The purpose of the proposed legislation is to make the legal size of a cord of wood 128 cubic feet, thus corresponding with the laws of the States generally, the custom of retail dealers in the District of Columbia, and the practice of the United States when purchasing wood.

The present conditions, which call for this legislation, are fully set forth in the following letter from the Commissioners of the District of Columbia:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 29, 1908.

SIR: The Commissioners of the District of Columbia have the honor to recommend favorable action upon H. R. 14772, Sixtieth Congress, first session, entitled "A bill prescribing what shall constitute a legal cord of wood in the District of Columbia," which was referred to them at your instance for examination and report.

The law governing the size of a cord of wood brought into the District of Columbia for sale was enacted by the city of Washington on June 3, 1853, and requires that the cord shall be 4 feet wide, 8 feet long, and 4 feet 4 inches high, making the amount 138+ cubic feet to the cord. The customary contents of a cord in every place but the District of Columbia, and perhaps Maryland, so far as this office is advised, are 128 cubic feet. When the present law was passed the conditions were different with respect to the wood supply. At that time the people were desirous of getting rid of timber in order to clear their land, while at present the timber supply is carefully husbanded.

If this bill should be enacted no injustice would be done to the purchasing dealer, as it is understood that they retail the wood at 128 cubic feet, or, if in shorter lengths than 4 feet, the product of 128 cubic feet. The United States Government, when purchasing wood direct from the producer or from the retailer, requires the delivery of only 128 cubic feet to the cord in the District of Columbia.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1048.

DAM ACROSS MULBERRY FORK OF BLACK WARRIOR RIVER.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 16746.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Warrior River, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsement attached and made a part of this report.

Amend the bill as follows:

In line 5, after the word "the," insert the word "Black."

In the second line of title after the word "the" insert the word "Black."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 17, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 16746, Sixtieth Congress, first session, to authorize the construction of a dam across Mulberry Fork of Black Warrior River, Alabama, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 18, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

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The present Philippine Commission consists of eight members, the number necessary for a quorum being five. If the Commission were increased to nine, the number required for a quorum would remain the same, but a quorum could be more easily obtained. The increased number would also lessen the possibility of an even division of four against four on any question.

The government of the Philippines now comprises four departments, namely, the department of finance and justice, the department of the interior, the department of commerce and police, and the department of education. A member of the Commission is at the head of each of these departments. These four department secretaries, in order properly to discharge the duties of their respective positions, are required at frequent intervals to visit parts of the archipelago remote from Manila, the seat of government, these absences often continuing for six weeks or more and rendering it difficult—at times impossible—to secure a quorum of the Commission at Manila for the transaction of public business. This has proven a frequent source of embarrassment to the government, the difficulty caused by the absence of the Commissioners from Manila being accentuated at intervals by the illness of members of the Commission.

The proposed increase in the membership of the Commission is greatly desired by the Commission itself, including its three Filipino members, by the resident commissioners from the Philippines now in Washington, and by the War Department. The Secretary of War appeared before your committee and earnestly advocated a favorable report upon the accompanying bill as amended.

From the testimony on the hearing your committee believe that should the bill become a law it will result in the appointment of some Filipino as the secretary of the proposed new department, and also of a Filipino to the vacancy in the Commission caused by the resignation therefrom of Hon. Benito Legarda, now one of the resident commissioners from the Philippines to the United States.

Your committee earnestly recommend the passage of the accompanying bill, believing that its enactment into law would have a beneficent effect by assisting very materially to promote the cause of efficient government in the islands.

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I trust your subcommittee may take a favorable view of the matter and present it to the full committee in the near future.

Yours, respectfully,

F. W. MONDELL.

Hon. CHARLES E. LITTLEFIELD,
House of Representatives.

The committee are satisfied after examination that nearly $5,000 a year will be saved to the Government. The following shows the cost of witnesses and jurors:

Fees of witnesses and jurors in the United States courts in Wyoming, under the present laws, from the principal town in each county, and the estimated expenses of the witnesses and jurors in making the trip to Cheyenne.

	Miles from Cheyenne.	Witnesses.			Estimated expenses.	Jurors.		
		Mileage fees (railroad 5 cents, stage 15 cents).	Per diem (3 days, $1.50 per diem).	Total.		Mileage fees (railroad 5 cents, stage 15 cents).	Per diem (3 days, including travel, $3 per diem).	Total.
Laramie	57	$5.70	$4.50	$10.20	$12.05	$5.70	$12.00	$17.70
Cody	789	78.90	4.50	78.40	82.30	78.90	21.00	94.90
Rawlins	174	17.40	4.50	21.90	24.15	17.40	15.00	32.40
Douglas	168	16.80	4.50	21.30	25.45	16.80	15.00	31.80
Sundance	421	50.10	4.50	54.60	54.85	50.10	21.00	71.10
Lander	305	56.70	4.50	61.20	61.90	56.70	21.00	77.70
Buffalo	505	56.90	4.50	61.40	61.50	56.90	21.00	77.90
Wheatland	96	9.60	4.50	14.10	18.85	9.60	15.00	24.60
Casper	221	22.10	4.50	26.60	30.15	22.10	15.00	37.10
Sheridan	511	51.10	4.50	55.60	58.50	51.10	21.00	72.10
Rock Springs	293	29.30	4.50	33.80	36.25	29.30	15.00	44.30
Evanston	409	40.90	4.50	45.40	50.20	40.90	15.00	55.90
Newcastle	333	33.30	4.50	37.80	40.55	33.30	18.00	51.30

The average attendance of witnesses for the last five years has been a little over three days.

The "estimated expenses" include railroad fare, Pullman fare where night travel is involved, subsistence en route, and hotel bill at Cheyenne for three days at $2.50 a day.

Witnesses before commissioners' courts receive but 5 cents a mile for both railroad and stage mileage.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1051.

REGULATION OF TERMS OF FEDERAL COURTS IN EASTERN DISTRICT OF TEXAS.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HENRY, of Texas, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 16874.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 16874) amending an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, so as to fix and regulate the terms of Federal courts at Texarkana, Paris, and Jefferson, in said State, begs leave to report that the bill do pass.

The bill does not establish any new courts, but simply regulates the time at which existing Federal courts at Texarkana, Paris, and Jefferson, in the eastern district of Texas, shall hereafter assemble. It provides that the courts of the eastern district of Texas shall be held at Texarkana, in the county of Bowie, on the third Monday of March and the first Monday of November; at Paris, in the county of Lamar, on the first Monday of March and the third Monday of October; at Jefferson, in the county of Marion, on the first Monday of October and the third Monday of February. The time of the assembling of the courts at the other places in the eastern district of Texas remains as now provided by law.

The bill is indorsed by the judge of the eastern district of Texas and has the concurrence of the bars of the cities affected.

The committee recommend that the bill do pass.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1052.

NEW DIVISION OF MIDDLE JUDICIAL DISTRICT OF ALABAMA, WITH COURT AT DOTHAN.

FEBRUARY 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 17524.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 17524) providing for and creating a new division of court of the middle judicial district of Alabama, at Dothan, Ala., beg leave to report:

The town of Dothan is the county seat of Houston County, Ala., and is in southeast Alabama, in the midst of the most prosperous and rapidly developing agricultural portion of the State. This section of Alabama has grown wonderfully in the last ten years and continues to grow and develop with amazing rapidity. The population of the five counties of Coffee, Covington, Dale, Geneva, Henry, and Houston is in all probability double what it was at the time the last census was taken.

It is proposed in this bill to create a new division composed of the five counties above named in the middle judicial district of Alabama, and it provides that a term of the United States courts shall be held at Dothan on the first Monday in June and the first Monday in December in each year.

For the most part the railroads in this section of Alabama run east and west rather than north and south, and by reason of this fact, as well as geographically, Dothan is much nearer the five counties of the proposed new division than Montgomery is. The judge of the middle district resides at Montgomery and the courts for the main or northern division of his district will continue to be held at Montgomery.

The establishment of the court at Dothan is in accordance with the expressed wish and petitions of the members of the bar and the people of the five counties interested. It will be of great convenience and saving to the people who have to attend the United States court in that section. The district attorney says that it will save the Government of the United States $4,000 or $5,000 annually in the matter of

reduced mileage of witnesses, jurors, etc. The bill has no opposition from any quarter. Its enactment into law will meet a public convenience and save money to the Government.

A bill has been passed providing for the erection of a Government building at Dothan. This bill provides that until the Government building shall be erected suitable court-room accommodations, etc., shall be furnished free of expense to the Government. This will be done by the authorities of Houston County at Dothan.

The bill does not create any new office.

Your committee report back the bill with the recommendation that it do pass.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1053.

TO RELINQUISH, RELEASE, AND CONFIRM THE TITLE OF CERTAIN LANDS IN CALIFORNIA TO THE WESTERN POWER COMPANY.

FEBRUARY 22, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAMMOND, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 15725.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 15725), to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, report the same back with the recommendation that it be amended by striking out the preamble, and that as thus amended it do pass.

Appended hereto and made a part of this report is a letter from the Secretary of the Interior in which the facts set forth in the preamble are confirmed. The Secretary states that the power company instituted condemnation proceedings in the superior court of Plumas County, Cal., in accordance with the provisions of the act of March 3, 1901, and that orders were made by the court requiring the payment into its hands of the amounts determined to be due the Indians as damages, and the Western Power Company was placed in possession of the land.

The claimants in this case desire to have the lands confirmed in them by patent, in view of the fact that trust patents were not issued to cover the Indian allotments for the reason that the Secretary of the Interior held that the decree of the court vested fee-simple title in the company, leaving nothing in the allottees for which to issue patent.

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1908.

SIR: The receipt is acknowledged of your letter of February 1, 1908, transmitting a copy of H. R. No. 15725, being an act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

You request a report thereon and information as to the present status of the lands in question; also any other information from the records of the Department which would aid your committee in the consideration of the bill.

In response you are advised that the lands covered by this bill were prior to 1902 part of certain Indian allotments situated on the North Fork of the Feather River and the tributaries and branches thereof, in Plumas County, Cal., and were allotted in severalty under the fourth section of the act of February 8, 1887. (24 Stat. L., 388.)

The Western Power Company, a corporation organized under the laws of California, was engaged in the construction of an electric light, power, and water plant, and had acquired the fee in practically all the lands riparian to the north fork of the Feather River and its tributaries except the Indian allotments. The company found it necessary in the construction of its plants to acquire the entire acreage of some of these allotments and parts of allotments in other instances.

Condemnation proceedings were instituted by the company in the superior court of Plumas County, Cal., in accordance with the provisions of the act of March 3, 1901 (31 Stat. L., 1084), and on November 21, 1902, and subsequent dates, orders were made by the court requiring the payment into its hands of the amounts determined to be due the Indians as damages, and the Western Power Company was placed in possession of the land claimed.

These proceedings appear to have been regular and in accordance with the laws of the State of California. The Indians were represented by the United States attorney for the northern district of California, and received the damages determined to be due them by the court.

The Indian Office has compared the descriptions of the lands contained in the bill with certified copies of the condemnation proceedings in its possession and finds that they agree.

It is understood that the bill is introduced at the instance of the company to remove a cloud from its title caused by the fact that trust patents were not issued to cover the allotments condemned for the reason that this Department held that the decree of the court vested fee simple title in the company, leaving nothing in the allottees upon which to issue patents.

The Department is not inclined to object to the passage of this bill if it is believed to be necessary, but suggests that the condemnation proceedings, if regular, vested full title in this company, and that therefore no further act of confirmation would seem to be necessary.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. FRANK W. MONDELL,
Chairman Committee on the Public Lands,
House of Representatives, Washington, D. C.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1054.

PROVIDING ADDITIONAL STATION GROUNDS FOR THE ARIZONA AND CALIFORNIA RAILWAY.

FEBRUARY 22, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MARSHALL, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 17514.]

The Committee on Indian Affairs, having had under consideration the bill (H. R. 17514) to provide additional station grounds for the Arizona and California Railway Company, in the Colorado River Indian Reservation, Ariz., report the same back with the recommendation that it do pass.

The Arizona and California Railroad extends from a point on the Santa Fe system in Arizona westward some 200 miles to a connection with the same system in California. Over 100 miles has been actually constructed and the remainder is expected to be completed within the ensuing twelve to eighteen months. The selection of Parker, on the Colorado River Indian Reservation, as a terminal point requires the additional ground which the bill gives the company the right to purchase for railroad uses. This point is midway between the termini of the road, hence is convenient for the employees and train crews, and the location in respect of grades and available water supply renders it necessary that this additional ground should be purchased by the company for the location of shops, engine houses, Y tracks, storage tracks, switch tracks, warehouse tracks, employees' cottages, water and oil standpipes, and storage reservoirs, warehouses, etc.

As stated by the president of the company—

The building of this railroad means much to a very large section of the country rich in mineral and agricultural possibilities and is of very great importance to the Government, as it furnishes means whereby it is possible for the Reclamation Service to carry out successfully plans that, I understand, have been determined upon, to wit: The reclamation of a very large tract of land that is now in the Indian reservation. The railroad has assumed very large responsibilities and is expending a very large sum of money in constructing this railroad, from which it can hardly be expected any considerable returns will be realized for years to come, and then only

as a result of the development and settling up of the section of the country tributary to the road, which never could result if the road was not built in advance.

The bill as reported embodies the recommendations of the Secretary of the Interior in safeguarding the interests of the United States and is approved by that Department. The company must pay the United States the full value of the land, as ascertained by the Secretary of the Interior, under the act of March 2, 1899, before it can acquire any right to use and occupy it for railroad purposes.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1055.

TO ESTABLISH A BIOLOGICAL STATION IN THE UPPER MISSISSIPPI RIVER VALLEY IN THE STATE OF IOWA.

FEBRUARY 22, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13659.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13659) to establish a biological and fish-cultural station in the Second Congressional district of the State of Iowa, having considered the same, respectfully report with the recommendation that it do pass with the following amendments, to wit:

Amend the title of the bill so as to read: "A bill to establish a biological station in the Upper Mississippi River Valley in the State of Iowa."

Strike out all after the enacting clause and in lieu thereof insert the following:

That the Secretary of Commerce and Labor is hereby authorized and directed to establish and equip a biological station for the propagation of fresh-water mussels in the Upper Mississippi River Valley in the State of Iowa, at some suitable point in said State to be selected by the Secretary of Commerce and Labor; the cost of establishing the same, including purchase of site, construction of buildings and ponds, and equipment, not to exceed the sum of twenty-five thousand dollars.

The purpose of this bill is to make possible the perpetuation of the supply of raw material for the growing American industry of manufacturing pearl buttons from the shells of fresh-water mussels and the industries collateral to it. By reason of the growth and development of this industry the supply of mussel shells is threatened with exhaustion. By establishing the station proposed in this bill it is believed that the question of artificial propagation will be completely solved, and that the supply of these shells will be perpetuated by propagation which can henceforth be carried on without material additional expense to the Government.

In the last session of Congress an additional appropriation of money for scientific investigation under the United States Fish Commission

was granted for the purpose of making an investigation of the fresh-water mussels of the United States in their relation to the pearl-button industry. This investigation was ordered by the Secretary of Commerce and Labor on a showing made to him that this American industry of manufacturing pearl buttons from the shells of fresh-water mussels had grown to considerable proportions during the past few years, and that the rapidity with which these shells were being taken from the streams of the United States threatened the extinction of these mussels, thereby cutting off the source of the raw material for this industry and the consequent doom of the industry. It was found that comparatively little knowledge had been obtained by scientists and investigators regarding the life history of our fresh-water mussels, and so a commission was created under the supervision of Prof. Paul Bartsch, an eminent biological authority. This commission made an examination of many of the principal streams of the country where the fresh-water mussels abound, and secured much valuable information on the subject. The work of this commission has been carried forward by Professors Lefevre and Curtis, of the University of Missouri, who, by the way, have been conducting these investigations without compensation. They have determined the mode of development of fresh-water mussels, and it has been found to differ from what occurs in any of their marine relatives. This difference lies in the fact that the embryo lives for a time as a parasite upon fresh-water fishes and can only develop in this parasitic condition.

With this fact established, careful experiments have been made in inoculating fishes with these embryo clams. These experiments have been conducted by Professors Lefevre and Curtis, and the results thereof indicate that the infection of fishes on a large scale is entirely possible, and that there is ample reason to believe in the success of such work in building up the supply of mussels.

It is clearly pointed out that the steady decline of the beds demands some such remedial measures if the supply is to be maintained for more than a very few years. There are still many fundamental scientific facts relating to the subject which are yet to be determined. For example, we do not know the exact breeding seasons of any one of the button mussels. We do not know what fish are best adapted to carrying the glochidia of each species, nor what are the best methods for work on a large scale. These facts can be ascertained if proper facilities for work are provided, and they must be ascertained before the process of artificial propagation can be established on a sound basis; but since many of them can only be learned by the actual experience of attempting artificial propagation on a large scale the investigation and the propagation must go hand in hand. To carry on such work properly, there is necessary a station, properly equipped, for the wholesale collecting and transporting of fish and mussels to the tanks and ponds of the station, where the infections are to be performed. In this way there could be liberated hundreds of thousands of fishes loaded with these embryo clams, and thus sow these clams broadcast in our rivers. It may be added that this process of propagation is in no way harmful to the fish.

The establishment of such a station as is provided for in this bill is recommended by the United States Commissioner of Fisheries.

The following statement of the principal facts in the life history of our fresh-water mussels and the means proposed for increasing the

supply was written by Professors Lefevre and Curtis, who have been and are now conducting experiments under the direction of the United States Fish Commission. This statement is made a part of the report and will be found most interesting.

The fresh-water clams or mussels of the United States and similar forms from other parts of the world exhibit a mode of development which differs from what occurs in any of their marine relatives. This difference lies in the fact that the embryo lives for a time as a parasite upon the gills or fins of fresh-water fishes, and can only develop in this parasitic condition, the life history being, briefly, as follows: The eggs of the female clam are fertilized by the sperm of the male, which enters the body of the female in the water current that brings the clam its food. These eggs begin development within the female, where they are contained in sacks formed by the animal's gill. Development proceeds as far as a stage known as the glochidium (Pl. ia), which has the two halves of a miniature shell and looks much like a gaping clam shell, but which has none of the internal organs necessary for the life which the adult clam leads in the mud of the bottom.

The glochidia are shed out of the parent as they become ripe and they fall to the bottom, where, having no power of locomotion, they remain motionless unless washed about by the currents. Experiments prove that they will die before many days when left in this condition. If, however, the glochidium chances to come in contact with the fins or gills of a fish, which brushes against the silt of the bottom, it fastens itself, and within twenty-four hours has caused the skin of the fish to grow over it, so that the young mussel is completely imbedded within the living tissue of the fish. In this condition it rests securely, receiving its food from the blood of its host, and leading a truly parasitic existence for some months. During this period the glochidium changes until all the organs of the adult are developed, though it has not increased in size. At the end of its parasitic existence, when the organs are fully formed, the young clam effects the tissue of the fish in such a way that the skin opens and the young clam drops to the bottom, where it begins the life which it will lead throughout the remainder of its existence.

The attachment to a fish is entirely a matter of chance, but where mussels and fish are abundant it must often occur under natural conditions, as is seen from the examination of fish taken in nature. Still the fishes thus infected will almost never be found carrying as many of the parasites as they can without serious injury. If the fish are taken and placed in a tub or bucket of water containing large numbers of glochidia, which have been obtained from removing them from the ripe mussel, it is possible to cause the attachment of hundreds of the parasites for every one that would be found there by the chance of nature. A fish under 6 inches in length may thus be made to carry several hundred glochidia, and thus a thousand fish artificially infected may do the work of several hundred thousand in a state of nature.

Experiments with small numbers of fish under observation in the laboratory indicate that their infection on a large scale is entirely possible, and the experiment now in progress at La Crosse, in which over 25,000 young fish have thus been infected, gives every indication that such work may be begun even with the scanty knowledge we now possess.

While there is ample reason to believe in the eventual success of such work in keeping up the supply of mussels, and while the steady decline of the beds demands some such remedial measures, if the supply is to be maintained for more than a very few years, we are not yet in a position to proceed safely with this work, because we are still ignorant of many fundamental scientific facts. For example, we do not know the exact breeding seasons of any one of the button mussels. We do not know what fish are best adapted to carrying the glochidia of each species, nor what are the best methods for work on a large scale. These facts can be ascertained if proper facilities for work are provided, and they must be ascertained before the process of artificial propagation can be established on a sound basis. But since many of them can only be learned by the actual experience of attempting artificial propagation on a large scale, the investigation and propagation must go hand in hand. To carry on such work properly, there is necessary a station properly equipped with boats and a steamer for the wholesale collecting and transporting of fish and mussels alive to the tanks and ponds of the station where the infection could be performed.

Nature is prodigal with the supply of glochidia, but so great is the chance against any ever fastening themselves upon the fish and against any ever dropping from the fish to a place on the bottom where they can succeed in the struggle for life that, with the added destruction of hundreds of millions of shells each year for commercial purposes, we may easily exterminate before many years the forms upon which the button industry depends. If we can discover the places in the life history where the

waste is greatest and aid the species at those critical stages, there is every reason to hope that the supply of mussels can be made to equal if not surpass the numbers existing when the first button was cut.

Legislation against fishing must also be made use of as soon as we know enough of the habits and breeding seasons to propose measures that are likely to be a real protection. Until then all such laws should be discouraged, however strong may be the wishes of the manufacturers or others to preserve any local supply. We are as likely to do harm as good in the making of such laws without adequate knowledge, and the revision of bad laws would probably be more difficult than the passage of new ones.

In conclusion, we may say that the parasitism on the fish makes the propagation of mussels go hand in hand with the propagation of our fresh-water fishes, since the fish is in no wise injured by the presence of the parasites. When we liberate a hundred fish each loaded with its hundreds of glochidia we not only sow the clams broadcast on the bottom, but we are also distributing fish which, when their work for the clams is done, are just as useful as though they had never known such an experience. Wholesale infection gives every promise of success, but the means must be provided at once for work on a large scale, and unless something radical is soon accomplished the making of buttons from our fresh-water shells is doomed.

As indicating the size of the pearl button industry in the United States and the large number of wage-earners engaged in such manufacture, the following table, taken from the report of the Census of Manufacturers for 1905, gives a comparative summary of the industry by States for the years 1905 and 1900:

Comparative summary—Fresh-water pearl buttons and button blanks, by States: 1905 and 1900.

State.	Census.	Number of establishments.	Capital.	Salaried officials, clerks, etc.		Wage-earners and wages.		Miscellaneous expenses.	Cost of materials used.	Value of products.
				Number.	Salaries.	Average number.	Wages.			
United States	1905	150	$3,234,379	385	$276,491	5,085	$1,621,669	$319,593	$1,911,187	[1]$4,926,458
	1900	122	1,109,572	117	85,646	3,574	1,147,252	89,414	940,838	2,766,053
Illinois	1905	13	148,313	16	8,530	259	95,486	14,280	54,353	209,500
	1900	10	37,643	11	6,172	237	85,071	2,616	42,332	181,704
Indiana[2]	1905	3	67,901	4	3,460	139	39,459	4,035	14,042	69,068
Iowa	1905	51	1,173,866	116	74,685	1,936	653,520	92,530	533,917	1,500,945
	1900	50	314,685	38	24,756	1,335	438,168	36,853	185,257	822,478
Massachusetts[3]	1900	3	270,597	10	19,200	388	141,200	12,783	72,188	304,400
Missouri	1905	8	126,968	16	5,671	180	55,314	7,588	34,135	136,994
	1900	8	26,995	1	300	64	17,821	962	12,525	34,529
New Jersey	1905	11	273,215	22	29,584	330	140,311	36,491	199,114	480,765
	1900	11	77,550	9	9,500	193	75,679	4,323	129,569	310,954
New York	1905	27	904,447	163	122,300	1,461	406,837	96,952	818,679	1,844,432
	1900	15	155,834	28	16,613	906	254,027	19,355	366,040	771,482
Ohio	1905	3	59,008	5	2,539	66	16,224	4,002	23,796	50,216
	1900	3	48,120	6	4,086	66	17,138	5,487	19,962	56,008
Pennsylvania	1905	8	303,830	25	19,826	397	117,568	47,020	135,019	333,732
	1900	6	110,299	4	2,424	223	73,217	3,875	87,697	193,823
Wisconsin	1905	17	113,340	11	5,420	187	58,700	10,510	58,064	164,229
	1900	9	34,499	4	1,425	96	32,108	1,830	18,751	63,125
All other States	[4]1905	9	63,491	7	4,476	130	38,250	6,185	40,068	136,577
	[5]1900	7	33,350	6	1,170	66	12,793	1,330	6,517	27,550

[1] Includes $556,217 worth of ocean pearl buttons.
[2] No establishments reported in 1900.
[3] Included in "all other States" in 1905.
[4] Includes establishments distributed as follows: Arkansas, 3; Massachusetts, 2; Minnesota, 1; Mississippi, 1; Nebraska, 1; Tennessee, 1.
[5] Includes establishments distributed as follows: Arkansas, 1; California, 2; Minnesota, 2; Nebraska, 2.

An unofficial statement of the fresh-water pearl button industry for the year 1906 is also submitted herewith. This report furnishes additional information regarding the industry and is as follows:

Fresh-water pearl button industry report, 1906.

BUSINESS AND INVESTMENT.

Amount of money invested in plant, machinery, etc	$1,488,200
Amount of business done during year 1906	5,650,000
Number of gross manufactured during year 1906	25,200,000
Average price of button, 21¾ cents per gross	5,481,000
Amount of crushed shell waste material used for chicken feed, 30,726 tons, at $5.50 per ton	169,000
Expended for paper boxes, cards, silver foil, etc	335,000
Amount of money paid in wages	3,450,000
Amount of money paid for shells	737,280

HELP AND WAGES.

3,000 cutters (male), $14 average wages per week	$42,000
1,800 operators (female), $8 average wages per week	14,200
600 employed as foreman, $18 average wages per week	10,800
Manager, salesman, buyers, office force.	
1,000 employed at home sewing buttons (female)	3,000
6,400 Total wages per week	69,000
50 weeks wages per year	3,450,000

SHELLS.

Amount of shells, district, etc.

	Amount.	Average price.	Total cost.
	Tons.		
Wabash River	14,400	$15.00	$216,000
Ohio River	13,440	15.00	201,600
Arkansas River	9,120	15.00	136,800
Mississippi River	8,640	17.00	146,880
Other rivers	2,400	15.00	36,000
	48,000	.....	737,280
48,000 tons shell, average price $15.35	.....	.....	737,280

Estimated 3,000 clammers working five months in the year, average amount received by each man for year's work, besides amount received for pearls, etc., for year	$204.50
Freight paid for shells for year	120,000.00

These tables do not indicate the full size of this comparatively new and growing industry. There are collateral industries which have grown up as a result of the manufacture of pearl buttons in the United States from fresh water mussels. The sale of pearls and baroques which are found in these fresh water mussels has grown to large proportions, and a conservative estimate would place the value of these pearls at $1,000,000 per annum. Another industry which has grown up as a result of the manufacture of buttons from these shells is the manufacture of buckles and other articles of adornment, including stick pins, brooches, and other articles of jewelry. No data is at hand as to the magnitude of this particular industry, but it has already attained considerable proportions.

In addition the manufacture of button-making machinery has grown to considerable proportions, and the progress in the manufacture of buttons is marked by a corresponding progress in the manufacture of labor-saving machines, some of which rival the modern type-setting machines in their intricacy and perfection of action.

In the light of these facts the committee recommends the passage of the bill.

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60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 1056.

PUNISHING CONSPIRACY TO INJURE OR INTIMIDATE ANY PERSON IN THE EXERCISE OF A RIGHT UNDER THE CONSTITUTION OR LAWS OF THE UNITED STATES.

FEBRUARY 22, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 11733.]

The Committee on the Judiciary have had under consideration H. R. 11733, "A bill punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States," and recommend that the same be amended and that as amended the same do pass.

Amend by striking out all of line 4 after the word "any;" all of line 5, and "laws," the first word of line 6, and insert in lieu thereof "alien in his free exercise or enjoyment of any right secured to him under any treaty."

The reasons for such recommendation are to be found in the following correspondence, made a part of this report, reference to which is respectfully invited:

DEPARTMENT OF STATE,
Washington, February 12, 1908.

DEAR SIR: I have to acknowledge your letter of January 24 inclosing a copy of H. R. 11733.

There is great need of some measure of this kind to relieve the United States from the embarrassing and often humiliating position arising from its inability to make good the obligations of its treaties for the protection of foreigners in this country. We have a great number of such treaties. They are common among all civilized nations. The ability of the United States to secure protection for its citizens abroad requires that we should furnish protection to citizens of other countries when they are within our territory. We are now unable to furnish such protection, although we have agreed to do so. Cases are continually arising in which we fail to do so. This failure is a serious detriment to American interests and a serious impairment of the good name and dignity of the United States. In this respect we are still subject to the reproach that was cast upon the old Federation, that for the purpose of making a treaty we were one nation, and for the purpose of carrying it out we were thirteen.

I take the liberty of sending you herewith a memorandum upon the subject prepared about a year ago by the Solicitor for the Department of State at the request of

the Assistant Secretary of State. In his memorandum the Solicitor suggested a broader and more detailed measure. My impression is, however, that the brief form of expression embodied in the pending bill would answer the purpose. It appears to have so modified the provision of section 5508 of the Revised Statutes as to make that provision applicable to aliens, and thus enable the United States to maintain such a proceeding as the Supreme Court held to be unauthorized in the case of Baldwin *v.* Franks (120 U. S., 678).

I have the honor to be, sir, your obedient servant,

E. ROOT.

Hon. JOHN J. JENKINS,
Chairman Committee on the Judiciary, House of Representatives.

MEMORANDUM.

DECEMBER 3, 1906.

My DEAR Mr. BACON: Pursuant to your suggestion I have put in presentable form reasons why Congress should enact a law to safeguard rights acquired under treaty and to punish civilly or criminally the violation of such rights. I shall assume the existence of the necessity for such legislation and after a few remarks of a general nature shall venture to suggest the statutory forms which might perhaps cover the cases.

It is settled that a treaty of the United States is a law of the land and overrides anything in the constitution of laws of any State, whenever the inconsistency or repugnancy of a State law with a treaty of the United States is properly brought to the attention of the courts in the regular administration of justice. (Ware *v.* Hylton, 3 U. S., 198; Chirac *v.* Chirac, 2 Wheaton, 259; Hauenstein *v.* Lynham, 100 U. S., 483; Baldwin *v.* Franks, 120 U. S., 678; Geofrey *v.* Riggs, 133 U. S., 258. See also Mr. Charles Henry Butler's Treaty-Making Power of the United States, vol. 2, ch. 2, collecting the cases.)

It is unfortunately true that adequate means do not exist for the proper enforcement and vindication of treaty rights and the punishment of those who seek to violate them. The failure of our municipal law to provide means for carrying out our international obligations in this respect is unfortunate. Inasmuch as there is no common law of crimes known to our Federal jurisdiction an indictment will not lie in the absence of a statute for the violation of international law or of a treaty of the United States, notwithstanding that such violation of law of infraction of treaty rights may subject the United States to international reclamations. See the leading case of United States *v.* Hudson (1812), 7 Cranch, 32, overruling the earlier case of United States *v.* Ravara (1793), 2 Dallas, 297.

It has been authoritatively held that no statutory provision exists which permits prosecution for a violation of a right secured by treaty or other infraction of treaty provisions. The case in which this question was finally set at rest grew out of the Chinese troubles in California. In 1886, during the agitation against the Chinese upon the Pacific coast, an attempt was made to secure indictment and conviction of persons who had been engaged in a conspiracy to deprive Chinese residents of the privileges and immunities secured to them by the treaty between the United States and China under Revised Statutes 5519, which reads as follows:

"If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment."

In United States *v.* Harris (106 U. S., 629) this provision had been held to be unconstitutional and void so far as it applied to citizens of the United States within a State, inasmuch as the fourteenth amendment is aimed at State rather than individual action. It was now argued that although section 5519 was unconstitutional so far as it sought to protect citizens of the United States residing within a State, nevertheless the power of Congress to legislate in furtherance of treaty provisions being unquestioned, the unconstitutional features of the section could be severed from those which were within the scope of Congressional action, and the section could be properly applied to conspiracies directed against Chinese subjects, seeking to deprive them of rights secured to them by treaty. The judges of the lower court having

differed in opinion upon the point (in re Baldwin (1886), 27 F. R., 187), the question was carried to the Supreme Court of the United States, where it was carefully considered in the case of Baldwin *v.* Franks (120 U. S., 678). The court held it to be unquestionably within the power of Congress to provide for the punishment of all persons guilty of infringing treaty rights, but that Congress had not done so in enacting section 5519, inasmuch as the section was unconstitutional in toto so far as it applied to acts committed within the limits of any State. The Supreme Court was of the opinion that no severance of the good from the bad was possible. As the court remarked (p. 686), "The limitation which is sought must be made, if at all, by construction, not by separation. This, it has often been decided, is not enough."

At the same time the court left open the question as to whether or not the section "is separable so that it can be enforced in a Territory though not in a State." Sections 5508 aud 5536, under which it was also sought to sustain the indictment of Baldwin, were held to be inapplicable, inasmuch as they are aimed at offenses against the rights of "citizens" and not of aliens. The following language, taken from the opinion of the court, delivered by Mr. Chief Justice Waite, will show the exact scope of the decision:

"The precise question we have to determine is not whether Congress has the constitutional authority to provide for the punishment of such an offense as that with which Baldwin is charged, but whether it has so done.

"That the treaty-making power has been surrendered by the States and given to the United States, is unquestionable. It is true, also, that the treaties made by the United States and in force are part of the supreme law of the land, and that they are as binding within the Territorial limits of the States as they are elsewhere throughout the dominion of the United States.

* * * * * * *

"That the United States have power under the Constitution to provide for the punishment of those who are guilty of depriving Chinese subjects of any of the rights, privileges, immunities, or exemptions guaranteed to them by this treaty, we do not doubt. What we have to decide, under the questions certified here from the court below, is, whether this has been done by the sections of the Revised Statutes specially referred to."

Mr. Justice Harlan dissented from so much of the opinion of the court as held section 5519 unconstitutional in toto, and held section 5536 inapplicable to the situation before the court.

Mr. Justice Field also dissented, and in the closing words of his opinion he set forth the situation in which the United States is left as a result of this decision and in the absence of appropriate legislation on the part of Congress:

"The result of the decision is that there is no national law which can be invoked for the protection of the subjects of China in their right to reside and do business in this country, notwithstanding the language of the treaty with that Empire. And the same result must follow with reference to similar rights and privileges of the subjects or citizens resident in this country of any other nation with which we have a treaty with like stipulations. Their only protection against any forcible resistance to the execution of these stipulations in their favor is to be found in the laws of the different States. Such a result is one to be deplored."

In the present state of our laws it is therefore impossible to vindicate treaty rights through Federal criminal proceedings.

On the civil side the situation is somewhat better. Revised Statutes, 1977, combined with section 563, clauses 12 and 16, and section 629, clause 16, appear to provide substantive and adjective law looking toward the assertion of treaty rights in the civil courts. This is of course not enough. The absence of statutory provisions looking toward the vindication of treaty rights through criminal action has often placed the Government of the United States in an embarrassing position when called upon by foreign governments to fulfill its international obligation and to punish its citizens who have been guilty of the violation of treaty provisions. Frequently the United States has felt called upon to pay indemnities on account of acts which it was powerless to punish. (See Moore's Int. Law Digest, secs. 1026–1027.) These unfortunate incidents have, on several occasions, led to the recommendation, on the part of the Executive, of legislation by Congress looking toward the punishment of offenders who violate treaty rights.

Perhaps the best known of these unfortunate affairs was the lynching of certain Italian subjects in New Orleans in 1890. As a result of this affair President Harrison used the following language in his annual message of December 9, 1891:

"Some suggestions growing out of this unhappy incident are worthy of the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cogni-

zable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases to intervene either for the protection of a foreign citizen or for the punishment of his slayers. It seems to me to follow, in this state of the law, that the officers of the State charged with police and judicial powers in such cases must, in the consideration of international questions growing out of such incidents, be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be answerable if the United States had used its constitutional power to define and punish crimes against treaty rights."

Subsequently several similar instances occurred leading to protests on the part of Italy and expressions of regret and payment of indemnity on the part of the United States.

As a result of one of these unfortunate affairs which occurred at Tallulah, La., in 1899, President McKinley recurred to the recommendation already made by President Harrison in his annual message of December 5, 1899. He said:

"The recurrence of these distressing manifestations of blind mob fury directed at dependents or natives of a foreign country suggests that the contingency has arisen for action by Congress in the direction of conferring upon the Federal courts jurisdiction in this class of international cases where the ultimate responsibility of the Federal Government may be involved. The suggestion is not new. In his annual message of December 9, 1891, my predecessor, President Harrison, said: [The President at this point quoted the passage from President Harrison's message already quoted in this memorandum.]

"A bill to provide for the punishment of violations of treaty rights of aliens was introduced in the Senate March 1, 1892, and reported favorably March 30. Having doubtless in view the language of that part of Article III of the treaty of February 26, 1871, between the United States and Italy, which stipulates that 'The citizens of each of the high contracting parties shall receive, in the States and Territories of the other, most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives on their submitting themselves to the conditions imposed upon the natives,' the bill so introduced and reported provided that any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country and constituting a crime under the laws of the State or Territory shall constitute a like crime against the United States and be cognizable in the Federal courts. No action was taken by Congress in the matter.

"I earnestly recommend that the subject be taken up anew and acted upon during the present session. The necessity for some such provision abundantly appears. Precedent for constituting a Federal jurisdiction in criminal cases where aliens are sufferers is rationally deducible from the existing statute, which gives to the district and circuit courts of the United States jurisdiction of civil suit brought by aliens where the amount involved exceeds a certain sum. If such jealous solicitude be shown for alien rights in cases of merely civil and pecuniary import, how much greater should be the public duty to take cognizance of matters affecting the life and rights of aliens under the settled principles of international law no less than under treaty stipulation, in cases of such transcendent wrongdoing as mob murder, especially when experience has shown that local justice is too often helpless to punish the offenders."

In his annual message of December 3, 1900, President McKinley renewed his recommendation in the following language:

"I renew the urgent recommendations I made last year that the Congress appropriately confer upon the Federal courts jurisdiction in this class of international cases where the ultimate responsibility of the Federal Government may be involved, and I invite action upon the bills to accomplish this which were introduced in the Senate and House. It is incumbent upon us to remedy the statutory omission which has led, and may again lead, to such untoward results. I have pointed out the necessity and the precedent for legislation of this character. Its enactment is a simple measure of provisory justice toward the nations with which we as a sovereign equal make treaties requiring reciprocal observance.

"While the Italian Government naturally regards such action as the primary and, indeed, the most essential element in the disposal of the Tallulah incident, I advise that, in accordance with precedent, and in view of the improbability of that particular case being reached by the bill now pending, Congress make gracious provision for indemnity to the Italian sufferers in the same form and proportion as heretofore."

See also, in this connection, Foreign Relations 1901, 283–299, containing the correspondence with the Italian Government referring to the omission of Congress to confer jurisdiction in such cases on the Federal courts and declaring that until such a measure should have been adopted the Italian Government would "not only have grounds of complaint for violation of the treaties, to its injury," but would "not cease to denounce the systematic impunity enjoyed by crime, and to hold the Federal Government responsible therefor."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1057.

EFFICIENCY OF PERSONNEL OF REVENUE-CUTTER SERVICE.

FEBRUARY 22, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 24.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, having had the same under consideration, beg leave to report said bill back to the House, with sundry amendments, and recommend that the amendments be agreed to and the bill as thus amended do pass.

This is an act to increase the efficiency of the personnel of the Revenue-Cutter Service.

GENERAL STATEMENT.

The Revenue-Cutter Service is the police arm of the Government at sea. It is the strong arm of the Treasury Department upon the waters. In time of peace it is constantly active and energetic. It is always busy. When the sea is calm it is attending to its ordinary duties of protecting the customs, inspecting ships, attending to anchorage grounds, patrolling the coast, etc. In time of storm or bad weather at sea, it puts out to be ready to find vessels in distress and render them prompt and needed aid. It keeps its vigilant eye on the coast both along the Atlantic, the Gulf, and the Pacific, and also at Porto Rico, Hawaii, Alaska, and the Great Lakes. The record of its services on the coast of Alaska and its succor to icebound vessels and their crews constitutes a history of heroism and bravery rarely equaled and never excelled. It is the guardian of the fur-seal fisheries and their only protection from prompt destruction.

In the time of war the Revenue-Cutter Service, under the order of the President, may be placed on active naval and military duty and its record in that capacity in the past is one which excites pride.

Its officers are believed to be the best trained seamen in command of any service anywhere in American waters. Its line officers are

superior as commanders of vessels and its engineer officers are thoroughly trained experts in command of its machinery.

The value of the Revenue-Cutter Service, both in its civil and military capacities, has heretofore been recognized by Congress, which has placed that Service along the same lines as the naval and military establishments.

EXPANSION OF SERVICE.

By reason of the great expansion of our commerce and the extension of our interests the number of revenue cutters in commission and authorization has in recent years been considerably increased without any corresponding increase either in the number of its commissioned officers or in their rank or pay. When a new battle ship is launched and put in commission it means an increase in the number of naval officers, but when a new revenue cutter is put in commission there is no increase in the number of officers in the Service. The number of commissioned officers, both as to the line officers and the engineer officers in the Revenue-Cutter Service, is fixed by act of Congress and can not be increased without further legislation.

It is not the design of the pending bill to make any great increase in the number of officers, but the bill does propose a slight increase, as hereinafter set forth. There are now authorized in the Revenue-Cutter Service 47 or 48 vessels, 224 commissioned officers, and about 1,500 enlisted men. There are 37 captains, of whom 1 is detailed as Chief of the Division of the Revenue-Cutter Service without now receiving any increase in pay or rank. The pending bill proposes to give this captain, who may be detailed from time to time as Chief of the Service, the title of "Captain commandant" and the rank and pay of a colonel in the Army.

There are various others of the captains detailed for other duties in connection with the Revenue-Cutter Service and the Life-Saving Service, such as the construction of vessels and inspection service, and it is proposed to give these captains a slight addition to their rank by designating them as "Senior captains" to the number of 6, who shall have the rank and pay of a lieutenant-colonel. The same idea is carried into the engineer force, giving to the engineer in chief the rank and pay of a lieutenant-colonel and to 6 senior engineers the rank and pay of a major.

In other words, in place of the 37 captains now authorized for the service, there would be under this bill 1 captain commandant, 6 senior captains, and 31 captains, and in place of the 34 chief engineers now authorized, there would be under this bill 1 engineer in chief, 6 senior engineers, and 28 chief engineers.

It seems perfectly patent that the captain designated as the Chief of the Service should have higher rank and pay while so designated. The opportunity and incentive offered by 6 senior captains at higher pay is only fair to the officers in this service who, though doing most brave work now, should be able to see some chance for further reward.

The bill proposes, among other things, to increase the pay of the enlisted force of the Service 20 per cent. The Revenue-Cutter Service is in constant competition with the merchant marine for its force of enlisted men, and because the Revenue Cutter Service is far more onerous and exacting than the service of seamen in the merchant

marine, it is necessary that inducements be offered in order to obtain a good quality of enlisted men in the service, and the increase proposed is believed to be necessary.

An actual increase in the number of officers allowed in the grade of second and third lieutenant and engineer officers of corresponding grade to the number of 5 in each grade, or a total of 20, is provided in the bill.

ESTABLISHMENT.

After the freedom of the American colonies had been won through the war of the Revolution, the country returned to a peace basis, and the Continental Navy was disbanded. From that time on there was no sea force available for the protection of the coasts and the maritime interests of the newly constituted United States until the organization of the Revenue-Cutter Service, under an act of the First Congress, approved by President Washington on August 4, 1790. By the 1st of November, 1791, ten vessels were ready for duty, and during a period of six years and eleven months revenue cutters formed the only armed force afloat belonging to the young Republic, and were engaged in patrolling the coast line of the country and enforcing the maritime laws.

The first appointments of officers in the Revenue-Cutter Service were made from amongst those who had served in the Continental Navy, and the first commission granted by President Washington to any officer afloat was issued to Capt. Hopley Yeaton, of New Hampshire, in the United States Revenue-Cutter Service. This officer had previously served as a lieutenant on the frigates *Raleigh* and *Dean*, of the Continental Navy.

DUTIES OF THE SERVICE.

The work of the Revenue-Cutter Service, as defined by law, consists in the enforcement of almost every statute bearing upon the maritime interests of the nation. Its duties embrace the protection of the customs revenue, involving the right of search of all merchant vessels arriving within the United States or within 4 leagues thereof if bound to a port in the United States; the suppression of piracy; the search for wrecked and missing vessels; the enforcement of the neutrality laws, by preventing armed expeditions against neighboring and friendly governments; the suppression of mutiny; the protection of the Government timber reserves; the construction and the inspection of life-saving stations and the drilling of the life-saving crews; the enforcement of law and the protection of property in Alaska; the protection of seal and other fisheries in Alaskan waters; the destruction of derelicts and other dangers to navigation; the rendering of assistance to vessels in distress and aiding the shipwrecked; the enforcement of the navigation laws and of the national marine quarantine regulations; guarding the safety of the public at yacht races and regattas; the supervision of anchorages at certain ports; the protection of the sponge fisheries in the Gulf of Mexico and the Straits of Florida. No comment is needed upon the activity necessary for the performance of these duties.

The revenue cutters cooperate with the Navy whenever the President so directs, and in time of war the duties of the Service are self-

evident. The history of the wars of the United States involves in large measure the history of the Revenue-Cutter Service, as its ships, its officers, and its men have ever aided in the defense of the country.

OPERATIONS IN PEACE.

A few incidents will serve to show to some extent the character of this work. Whenever a contagious disease threatens to spread throughout the country the Revenue-Cutter Service is charged with the duty of enforcing the marine quarantine laws and of cooperating with the Public Health and Marine-Hospital Service in order to prevent its dissemination. In the summer of 1905 the Gulf coast of the United States was stricken with the dreaded yellow fever. Within a very short time there were 4 revenue cutters, together with a fleet of chartered vessels under the command of officers of the Service, patrolling the waters of Louisiana, Mississippi, Alabama, and Florida. The final record of their work shows that for the first time in the history of such epidemics there was not a single instance of the spread of the disease through communication by sea. These ships were constantly within the infected districts, and though one of them had to fight the fever amongst its own crew, not for a day was vigilance relaxed until the disease was stamped out and the country relieved of the fear of its spreading afar and becoming a scourge.

One of the most important duties of the Service is the relief of vessels in distress. This includes assistance rendered to maritime interests in saving from destruction property wrecked on the coast, and also the saving of lives jeopardized in disabled or stranded vessels. The President designates certain cutters each year, during the stormy winter months, from December 1 to April 1, to patrol the coast line in search of vessels in distress. In the performance of this duty thousands of persons have been rescued from the perils of the sea and property of the value of millions of dollars has been saved. The work of assisting the maritime and commercial interests of the country is not confined to the Atlantic, the Pacific, and the Gulf coasts, and to the Great Lakes, but extends into the Bering Sea and the Arctic Ocean. In the Alaskan regions the laws are upheld and enforced, the seal and other fisheries are protected, and the vessels of the Arctic whaling fleet are aided when help is needed.

To the usual and ordinary perils that beset those who "Go down to the sea in ships" are added the uncharted derelicts and other dangers in the tracks of passing vessels. The Revenue-Cutter Service is charged with the destruction of these menaces to navigation, and a special derelict destroyer has been authorized by Congress to be built for the purpose of seeking and removing these dangers. The United States is the first Government to provide such a ship for keeping the adjacent marine highways clear for the ships of all nations.

COOPERATION WITH THE LIFE-SAVING SERVICE.

From the date of the establishment of the Life-Saving Service, commissioned officers of the Revenue-Cutter Service have been detailed to duty in connection with it, and its efficiency is largely due to their efforts. Under the direction of the General Superintendent of the Life-Saving Service they drill the crews of life-saving stations,

superintend the construction of the surfboats and lifeboats, as well as the boathouses and the living quarters of the men, and investigate cases of loss of life within the scope of life-saving operations. They have given to that Service the benefits of a number of inventions and appliances for the furtherance of its humane work. In testimony of the value of the work of the officers of the Revenue-Cutter Service, the General Superintendent of the Life-Saving Service has said of them in one of his annual reports, "Little wonder why the Life-Saving Service has succeeded; the souls of such men have entered it, and it has become an incarnation." A generous recognition is this of the aid and cooperation of the officers of the Revenue-Cutter Service, looking to the attainment of the ends for which the Life-Saving Service was established.

OPERATIONS IN WAR.

In the wars in which the United States has been involved, the Revenue-Cutter Service has been to the front with the Navy and the Army. In 1798 and 1799, during the troubles with France, the revenue cutter *Pickering* captured ten prizes in engagements with the French, and another cutter, the *Eagle*, captured five.

During the war of 1812, the first capture made was that of the British topsail schooner *Patriot* by the revenue cutter *Jefferson*. A total of fourteen British vessels captured, with their guns, officers, and men, tells briefly the story of the operations of the Revenue-Cutter Service during this war.

The troubles with the Seminole Indians also called for the aid of the revenue cutters, in cooperation with the Army and the Navy. An excerpt from the report of Capt. Thomas T. Webb, U. S. Navy, commanding the sloop-of-war *Vandalia*, to Commodore Dallas, in command of the naval squadron, shows the value of the work of the revenue cutters in this war when he says, "Their prompt and ready cooperation with the Army has called forth the highest commendations from the commanding generals, who take occasion to eulogize the services rendered by the *Vandalia* and revenue cutters."

In the war with Mexico, five revenue cutters were engaged in naval operations, and performed efficient service in the attacks on Alvarado and Tabasco. Excellent work was also done in connection with the blockading fleet off the Mexican coast.

When a naval force was sent to Paraguay in 1858, the revenue cutter *Harriet Lane* was ordered to join the squadron. In his report to the Secretary of the Navy on the operations of the force under his command during this expedition, Commodore Shubrick says in part, "I should express my sense of the skill and zeal with which Captain Faunce [U. S. R. C. S.] has used the very efficient vessel under his command in extricating us from our difficulties [in grounding]. At one time I feared that the services of the Fulton would be lost altogether to the expedition, and they certainly would have been for a great length of time, if not entirely, but for the assistance afforded by the *Harriet Lane*."

The Revenue-Cutter Service participated in the civil war (1861–1865) both in naval engagements and in the more trying blockade duty. At the attack on Fort Hatteras; in the reconnoissance of the batteries at Norfolk; in the bombardment of Drewry's Bluff, on the

James River; and in operations in the Chesapeake Bay, the revenue cutters were actively engaged.

During the Spanish-American war there were thirteen revenue cutters cooperating with the Navy, one of which, the *McCulloch*, was the subject of commendation by Admiral Dewey in one of his reports to the Secretary of the Navy, in which he speaks of that ship as being "a valuable auxiliary to the squadron." It was during this war that the revenue cutter *Hudson*, Lieut. Frank H. Newcomb, U. S. Revenue-Cutter Service, commanding, took part in the action at Cardenas, Cuba. In this engagement such bravery was shown by Lieutenant Newcomb, his officers, and crew in the rescue of the torpedo boat *Winslow* from imminent danger of destruction by the shore batteries that Congress awarded a gold medal to Lieutenant Newcomb and silver and bronze medals, respectively, to the officers and the members of the crew of the *Hudson*.

CADET SCHOOL.

The Service has a cadet school, located at Arundel Cove, Md., for the training of its future officers. Appointments to cadetships are made upon strictly competitive educational examinations, which are open to young men of the prescribed ages (18 to 24) having the necessary moral and physical qualifications. Examinations are held throughout the country from time to time, and the highest averages attained are alone the sureties for cadet appointments. Strict military and comprehensive technical training covering a course of three years fits the cadet for his duties as an officer. Original appointment in the Engineer Corps is as cadet engineer, the maximum age limit being 25½ years.

SENATE REPORT.

The Senate bill recommended for passage has been very carefully considered by your committee, and a similar act was considered by the same committee at the last session of Congress. The Senate bill has also received full consideration by the Senate Committee on Commerce, and the report of that committee is adopted as a part of this report, in the following language, to wit:

The Committee on Commerce, to whom was referred the bill (S. 24) "to increase the efficiency of the personnel of the Revenue-Cutter Service," having considered the same, report with a recommendation that it pass with amendments.

A bill with substantially similar provisions was favorably reported from this committee at the last session, the differences being stated in the accompanying letter of the Secretary of the Treasury approving the measure.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 10, 1907.

SIR: I am in receipt of a letter of the 7th instant from the Committee on Commerce, transmitting a bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of

should the bill become law there would be 1 engineer in chief, 6 senior engineers, and 28 chief engineers. I believe this to be a well-balanced and equitable arrangement of the upper grades, and one that the enlarging duties and importance of the Service call for.

Throughout this bill chief engineers are referred to as engineer officers with the rank of first lieutenant, and in section 9 a second assistant engineer is designated as an engineer officer with the rank of third lieutenant. This is not a change of rank, but only a matter of terminology, as by law chief engineers now rank with first lieutenants and second assistant engineers with third lieutenants.

A new section (sec. 10) has been introduced, changing the titles of engineer officers and bestowing titles in keeping with the rank now held by these officers. This section also clearly establishes precedence between line and engineer officers.

An additional section (sec. 13) has been added providing for a small increase of 5 officers each in the two lowest grades of the line and in the two lowest grades of the Engineer Corps. These are the grades that furnish the watch officers on the bridge and in the engine room of the cruising cutters, and the Department is now much embarrassed on account of lacking the requisite number of junior officers to properly officer the ships in commission and to perform the work of the Service. There are now seven additional cutters building, and it will prove a difficult matter to provide a complement of officers for them unless this increase is granted. Prior to the passage of the act of April 12, 1902, the law permitted the commissioning of additional officers upon the acquisition by the Service of an additional vessel, but the act referred to fixed the number of officers, which can not now be increased except by legislation by the Congress. The development of the Service and its enlarging activities render eminently proper the small increase in the lower grades for which this measure provides.

The passage of the bill will improve the organization of the Revenue-Cutter Service and will increase the efficiency of the commissioned and enlisted personnel, and I recommend its enactment.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

Section 1 of the bill provides for the appointment of a captain commandant, who shall be chief of the division of Revenue-Cutter Service, with the rank and pay of a colonel in the Army, and who shall serve for a period of four years unless reappointed for further periods of four years. Under existing law the chief of the division must be a captain in the Service and has the rank and pay of a major in the Army. This rank is not commensurate with the importance and responsibilities of the position and is considerably below the rank held by officers in similar positions in other services.

The following statement indicates the discrepancy:

Chief of each Bureau in War Department: Brigadier-general.

Commandant of Marine Corps: Brigadier-general.

Chief of each Bureau in Navy Department: Rear-admiral (brigadier-general).

Surgeon-General Public Health and Marine-Hospital Service: Pay $5,000, which is $500 more than the maximum pay of a colonel.

Superintendent Life-Saving Service: Pay (present incumbent) $4,500, the maximum pay of a colonel.

Superintendent Coast and Geodetic Survey: Pay $5,000, which is $500 more than the maximum pay of a colonel.

Chief Revenue-Cutter Service: Present rank, with pay, major; proposed rank, with pay, colonel.

Acting under the Secretary of the Treasury, the Chief of the Revenue-Cutter Service has direction of 221 active commissioned officers, 37 cadets, and 1,500 warrant officers and enlisted men; he directs the movements of 48 vessels of all classes; and for the fiscal year ended June 30, 1907, supervised the expenditure of $1,933,955.34.

At present the Chief of the Service has the same rank and pay as 36 other captains. Although acting as the head of the Service under the Secretary, he has no higher rank and receives no greater pay than any other captain. This is a situation not consistent with good organization or proper discipline.

This section also provides for 6 senior captains with the rank and pay of a lieutenant-colonel in the Army. The duties that will properly belong to these officers will be those of inspecting officers to superintend the construction of new vessels, to inspect the armaments and crews of vessels in commission, in charge of vessels on the Pacific coast, as supervisors of anchorages, duties pertaining to certain details in the Life-Saving Service, and in connection with boards of various kinds, etc. These duties are now performed by captains.

The highest rank now attainable in the Revenue-Cutter Service is that of captain, with rank of major in the Army and lieutenant-commander in the Navy. These, of course, are grades where officers of the Army and Navy are just entering upon the fullness of their careers. The establishment of this grade of senior captain will afford an opportunity for a slight advancement for officers who have spent many years of service for the Government and will provide a grade of officers for the performance of duties requiring authority over other captains.

It will be noted that in section 3 of the bill it is provided that the number of captains be reduced by 6 when these 6 senior captains are commissioned.

This section also provides that there shall be commissioned 1 engineer in chief, with the rank of lieutenant-colonel in the Army and with the pay of that grade, and who shall serve for a period of four years unless reappointed for further periods of four years. The engineer in chief of the Revenue-Cutter Service now has the rank and pay of a major in the Army. He has charge of the machinery of 47 vessels of all classes and of the designing and construction of all new machinery. His position and responsibilities clearly warrant the rank and pay of a lieutenant-colonel.

In the Bureau of Steam Engineering, Navy Department, there are (Navy Register, July 1, 1907): One admiral (brigadier-general), 1 captain (colonel), 7 commanders (lieutenant-colonel), 3 lieutenant-commanders (major).

Engineer in chief, United States Revenue-Cutter Service, present rank and pay: Major. Proposed rank and pay: Lieutenant-colonel.

Section 1 also provides for 6 senior engineers with rank and pay of major in the Army. These senior engineers will superintend the construction of machinery, inspect labor and materials, inspect vessels in commission, serve on boards of various kinds, and act generally as assistants to the engineer in chief, duties that are now performed by chief engineers without compensation other than that of their grade. It will be noted that section 3 of the bill provides that when these 6 senior engineers are commissioned the number of chief engineers shall be reduced by 6.

The highest grade in the Engineer Corps (excepting that of engineer in chief) is now chief engineer with rank and pay of a captain in the Army. It is a matter of great difficulty in these days of industrial activity to obtain young men for engineer officers in the Revenue-Cutter Service with such a limited chance for advancement held out to them. It is urgently necessary that this small incentive—a higher grade of 6 officers—be established.

The following table shows the number of officers above the grade of major (now the highest relative rank in the Revenue-Cutter Service) in various corps of the Navy (data taken from Navy Register, July 1, 1907):

Marine Corps.—(Active officers in corps, 278; enlisted strength, 8,770); 1 brigadier-general, 10 colonels, 9 lieutenant-colonels.

Pay Corps of the Navy.—(Active officers in corps, 200); 1 admiral (brigadier-general), 13 captains (colonel), 15 commanders (lieutenant-colonel).

Medical Corps of the Navy.—(Active officers in corps, 265): 1 admiral (brigadier-general), 14 captains (colonel), 15 commanders (lieutenant-colonel).

Naval constructors.—(Active officers in corps, 61); 1 admiral (brigadier-general), 4 captains (colonel), 5 commanders (lieutenant-colonel).

Professors of mathematics.—(Active officers in corps, 14); 3 captains (colonel), 4 commanders (lieutenant-colonel).

Civil engineers.—(Active officers in corps, 36); 1 admiral (brigadier-general), 2 captains (colonel), 1 commander (lieutenant-colonel).

Chaplains, Navy.—(Active officers in corps, 24); 4 captains (colonel), 7 commanders (lieutenant-colonel).

The 6 captains who are at the head of the list, who would be made senior captains (with the rank and pay of a lieutenant-colonel in the Army) should the provisions of section 1 become law, have now attained the average age of 62 years and have served in the Revenue-Cutter Service an average of 37$\frac{1}{12}$ years.

The 6 chief engineers now at the head of the list, who would be made senior engineers (with the rank and pay of a major in the Army) should the provisions of section 1 become law, have now attained the average age of 61$\frac{1}{2}$ years and have served in the Revenue-Cutter Service an average of 35$\frac{2}{3}$ years.

In connection with the provisions of section 1, attention is called to the fact that there is in the line of the Navy one officer higher than the grade of lieutenant-commander (corresponding to the highest present rank in the Revenue-Cutter Service) to every 14 commissioned officers and to every 179 enlisted men; and combining the line

and staff corps of the Navy, there is 1 officer above the rank of lieutenant-commander to every 10 commissioned officers and to every 128 enlisted men. The authorized peace strength of a regiment of infantry is 867 men, commanded by 1 colonel who is assisted by one lieutenant-colonel. On the other hand, the chief of the Revenue-Cutter Service, consisting of 221 officers and 1,500 warrant officers and enlisted men, has at present only the rank and pay of a major in the Army or a lieutenant-commander in the Navy.

Section 1 of the bill provides for the appointment of the captain commandant and the engineer in chief for a period of four years. When an officer has completed his service as captain commandant, he may be commissioned a senior captain as an additional number, or if not so commissioned, he shall resume his lineal position as he would have held it if he had not been made captain commandant. The same provision is made in regard to the engineer in chief, who, upon completing his term of service, may be commissioned a senior engineer as an additional number, or if not so commissioned, he shall resume the lineal position he would have held in the grade from which appointed.

It is also provided that an officer who has served as captain commandant or engineer in chief shall, when retired, be retired with the rank and pay he would have if he was serving as captain commandant or engineer in chief at the time.

These provisions are believed to properly belong to the dignity of the two positions mentioned, the chief of the service and the officer at the head of the Engineer Corps.

In order that there may be no possibility of overloading the grades of senior captain and senior engineer through the commissioning in those grades as additional numbers of officers who have served as captain commandant or engineer in chief, respectively, it is provided that such additional numbers shall at no time exceed two in each of these grades on the active list.

Section 2 provides that the captain commandant be selected from the active list of line officers not below the grade of captain; that the engineer in chief be selected from the active list of engineer officers not below the rank of first lieutenant, and that the senior captains and the senior engineers be made by promotion according to seniority.

Section 3 reduces the number of captains by 6 and the number of chief engineers by 6, so that the establishment of the additional grades referred to in sections 1 and 2 of the bill would operate to increase the number of officers in the service by 2, the captain commandant and the engineer in chief, except in the event that these officers should not be redetailed in their respective positions, in which case they would become additional numbers.

Section 4 waives the examinations ordinarily required for promotion in connection with advancement to the grades established by this bill. Considering the age and length of service of officers who would thus be advanced, an examination would be unnecessary and inappropriate.

Section 5 provides that officers of the Revenue-Cutter Service who served with the forces of the United States during the civil war shall, upon retirement, be retired as of the next higher grade, as is provided for officers of the Army, Navy, and Marine Corps.

(For Army, see act approved April 23, 1904; for Navy, see act approved March 3, 1899; for Marine Corps, see act approved April 27, 1904.)

Number of officers in the Revenue-Cutter Service who are credited with civil-war service on the records of the Department: Now on the active list—captains 4, chief engineers 4. Now on the retired list—captains 19, chief engineers 9, first assistant engineers 2; a total of 38 officers, active and retired.

The 30 officers on the retired list served in the Navy during the civil war an average of two years and eleven months, and served in the Revenue-Cutter Service an average of thirty-three years and one month. The 8 officers now on the active list served in the Navy during the civil war an average of one year and eleven months, and have served in the Revenue-Cutter Service an average of thirty-seven years and one month.

Section 6 of the bill provides for the promotion on the retired list to the next higher grade of one officer, Capt. Charles F. Shoemaker, who was retired March 27, 1905, after forty years' service in the Revenue-Cutter Service, during ten years of which time he was the Chief of that Service.

Section 7 provides that a constructor or surgeon, after fifteen years' service in the Revenue-Cutter Service, shall have the pay and allowances of a captain in the Revenue-Cutter Service. There are two constructors allowed in the Service. One constructor has served twelve years and one month. The other position was vacated by resignation and a new appointment was made to fill the place in February, 1907, so that this officer has ten months' service to his credit. The duties of these two constructors in connection with the construction and repair of all vessels and machinery for the Service are very important, and call for abilities of a high order, such as command large salaries in civil life. At present there is no promotion for these officers. They have the rank and pay of a first lieutenant in the Revenue-Cutter Service, and are precluded from any further advancement. Under the provisions of this section they would, after fifteen years' service, receive the pay of a captain.

There is one surgeon in the Revenue-Cutter Service, Surg. Samuel J. Call, who was commissioned a surgeon with the rank and pay of a first lieutenant in accordance with the provisions of the act approved March 3, 1905. Congress provided for the appointment of Surgeon Call by name, in recognition of heroic service rendered by him in connection with the overland expedition of 1897–8 for the relief of the whaling fleet in the arctic regions. He has served two years and eight months as a commissioned officer. Before being commissioned he was temporarily employed as a surgeon and his service in such capacity would not count on the fifteen years mentioned in this section. It is believed that Surgeon Call's services warrant the prospect of promotion to the pay of a captain when he shall have completed fifteen years' service.

Section 8 provides for an increase of pay for length of service for warrant and petty officers. Only service as a warrant or petty officer may be included in computing increased pay for length of service. The section also provides that warrant and petty officers and enlisted men after thirty years' service may be placed on a waiting-orders list

at three-quarters pay; but they may be assigned to such duties as they are able to perform. Similar benefits are accorded enlisted men in the Army, Navy, and Marine Corps.

In his report dated June 30, 1906, the Secretary of the Treasury says:

"Suitable legislation should also be enacted in behalf of the warrant officers and enlisted men; they should be granted the same benefits as to length of service, retirement, and pensions as are accorded to men of other military branches. It is hoped that adequate provision in this respect will soon be made for them. The law contemplates that the pay of petty officers, seamen, and others on revenue cutters should be as high as the average wages paid to merchant sailors; but while the appropriation for the service for the fiscal year 1907 will permit of a small increase of pay to enlisted men, the increase will not be sufficient to correct the inequality."

Section 9: Under the provisions of this section officers who have served five years in the lowest grade of the line or Engineer Corps would be advanced, if they passed the required examinations, to the next higher grade, of which the pay is $100 per year more. In the Navy officers are eligible for promotion after serving three years in the grade of ensign.

While at present there is no officer in the lowest grade of the line or Engineer Corps who has served in that grade for five years, conditions are such that in a very short time promotions out of these lowest grades will be so unreasonably slow as to deter young men of the necessary attainments from entering the service. For example, considering only prospective retirements, the present junior cadet engineer will serve in the grade of second assistant engineer for fourteen years, and the cadet who graduates at the foot of his class in May, 1909, will serve in the grade of third lieutenant for sixteen years.

The Secretary's report above referred to also says:

"The limited number of grades, both in the line and staff, makes promotion unreasonably slow, particularly in the Engineer Corps, and I recommend that officers after performing five years' service in the grade of third lieutenant, or that of second assistant engineer, and upon passing the examinations now required by law, be eligible for promotion to the next highest grade."

It is provided that such promotions shall not cause any vacancies in the lowest grades, so that the number of officers is not increased by the operations of this section.

Section 10 of the bill provides for a change in the titles of engineer officers. The section gives officers of the Engineer Corps military titles corresponding to the titles of officers of the line with whom they now hold relative rank. Precedence between line and engineer officers of the same rank is to be determined by length of continuous service as a commissioned officer instead of by date of present commission.

Section 11 provides for supplying the enlisted men of the Revenue-Cutter Service with uniform clothing, as is done in the Army, Navy, and Marine Corps. The amount allowed a newly enlisted man is $45 as provided by this section. Upon subsequent enlistments he is only allowed $20. It is provided, however, that this clothing allowance is only to be paid him if he has received an honorable discharge at the expiration of a full term of enlistment. It is believed that this pro-

vision will act as a strong influence toward good behavior and to prevent desertion.

Enlisted men in the Revenue-Cutter Service have to supply themselves with an outfit of uniform clothing about as complete as that required for men in the Navy; their pay is small and their prospects for advancement limited. In justice they should be furnished their uniform clothing, or an allowance to be applied to that purpose, as is done in the other military services of the Government.

Section 12 is intended to give authority to certain officers to administer oaths necessary to the proper conduct of the Service. It is particularly desired that they be given authority to administer oaths of allegiance to newly enlisted men.

The section gives authority to commanding officers of revenue cutters to administer oaths generally in Alaska, in the absence of civil authority competent to administer oaths. The revenue cutters cruising in Alaska and coming in contact with the natives and the whalers in the Arctic Ocean are often the only representatives of the Government, and have to investigate conditions and preserve order in those distant regions. Under such circumstances and for the proper performance of their duties the commanding officers of the revenue cutters should have authority to administer oaths.

Section 13 provides for an increase of 5 officers in each of the two lowest grades of the line and of 5 officers in each of the two lowest grades of the Engineer Corps. This small increase in the number of junior officers is needed to properly officer the vessels now in commission and building, and to keep pace with the enlarging activities of the Service and the demands made upon it.

The Service is now embarrassed by a lack of junior officers in both line and Engineer Corps, and will continue to be handicapped until more officers in the junior grades are available. During the ensuing fiscal year 7 new vessels will be placed in commission and additional officers to man them will be urgently needed. As considerable time is required for the proper training of junior officers before they are placed on cruising vessels, the full number of additional officers provided by this section can not be commissioned immediately, but authority for them is recommended in order that they may be available for service at as early date as possible.

Bearing upon the merits of this bill, the following extract from the annual report of Secretary Cortelyou for the fiscal year ended June 30, 1907, is pertinent:

"While various acts of the last Congress have been of benefit in increasing the efficiency of the Service, additional legislation is needed further to improve its organization and personnel. Greater opportunity for advancement should be held out to the officers and men, as the life and strength of a corps depend chiefly upon an adequate and a just system of promotion. A commissioned line officer, after many years of service, now can attain only the rank of captain (equivalent to a major in the Army), while the highest rank of an engineer officer is practically that of chief engineer (equivalent to a captain in the Army). This limited promotion is not conducive to the best interests of the Service nor commensurate with its scope and character or the qualifications required for its officers. Difficulty is being experienced, particularly in the Engineer Corps, in obtaining suitable candidates

for cadetships, for the reason, manifestly, that the Service does not offer sufficient inducement for young men to enter it as a life profession.

"These conditions can be largely overcome by the enactment of a bill along the lines of that recommended to the Fifty-ninth Congress by my predecessor. This measure (S. 7663), which was favorably reported to the Senate by the Committee on Commerce, provides, among other things, for two additional grades each in the line and Engineer Corps and a reduction in the present number of captains and chief engineers. By its terms suitable status is given the chief of the Service, who, notwithstanding his larger duties and greater responsibilities, has now no higher rank than any other captain, a situation not consistent with proper organization and discipline and without parallel in other military branches of the Government. The proposed legislation will, in the interest of efficiency, also insure benefits for the warrant officers and enlisted force. The features of the bill are based upon military precedent in accordance with the character and purpose of the Revenue-Cutter Service and the laws for its government."

There is appended an estimate of the increased annual expense under the provisions of the bill.

Estimate of increased annual expenses under the provisions of the bill S. 24.

UNDER SECTION 1.

	Present pay of grade.	Proposed pay of grade.	Increase.	Total increase.
1 captain commandant	.....	$3,500	$3,500	$3,500
1 engineer in chief	.....	3,000	3,000	3,000
6 senior captains	$2,500	3,000	500×6	3,000
6 senior engineers	1,800	2,500	700×6	4,200
Maximum increase due to longevity on new pay basis	.....	.....	.....	3,680
Maximum increase for commutation for quarters	.....	.....	.....	2,160

UNDER SECTION 5.

Officers now on the retired list who would benefit by the provisions of this section.

	Present pay.	Proposed pay.	Increase.	Total increase.
18 captains	$2,625	$3,000	$375×18	$6,750
1 captain (with pay of first lieutenant)	1,890	2,625	735	735
9 chief engineers	1,890	2,625	735×9	6,615
2 first assistant engineers	1,575	1,890	315×2	630

UNDER SECTION 6.

1 captain	$2,625	$3,000	$375	$375

Under Section 7.

There will be no immediate increase in expense due to this section, as no constructor nor the surgeon has yet served fifteen years.

Under Section 8.

Number of warrant officers with over ten years' service as such	13
Number of warrant officers with over five years' service as such	28
Increase in pay for 41 warrant officers on account of longevity	$4,416
Estimated increase for longevity pay of petty officers	$2,500

(No estimate is made of expense of placing on waiting-orders list men who have served over thirty years. The increase in expense on this account would be practically negligible. The number of these men is very small, and the majority of them would continue to be employed at light duty, as provided in this section.)

Under Section 9.

There will be no immediate expense due to this section. When in the future an officer does benefit by the provisions of the section, he will, after serving five years in the lowest grade, receive an increase in pay of $110 per year, including increase in longevity pay.

Under Section 10.

The clothing allowance provided for in this section will amount to an increase of pay of $3.75 per month for each man serving his first enlistment, and of $1.67 per month for additional enlistments, payable only after the enlistment is completed and an honorable discharge obtained. On account of this provision that the clothing allowance shall be paid only upon expiration of term of enlistment, and when an honorable discharge has been obtained, an accurate statement of the expense incident to this section can not be made. This expense will be dependent upon the number of men who desert, the number of men who, completing their enlistment, receive an honorable discharge, and the number of men completing other than the first enlistment.

A fair estimate of the annual expense involved in this section is $30,000.

Under Section 13.

Additional numbers in grade.	Pay of rank.	Total increase.
5 second lieutenants	$1,500	$7,500
5 third lieutenants	1,400	7,000
5 first assistant engineers	1,500	7,500
5 second assistant engineers	1,400	7,000

Totals of increase due to bill, based on foregoing estimates.

Section 1	$19,540
Section 5	14,730
Section 6	375
Section 8	6,916
Section 10, estimated expenses of clothing allowance for enlisted men	30,000
Section 13	29,000
Total	100,561

NOTE.—The number of officers now on the active list who are credited with civil-war service are 4 captains and 4 chief engineers. These officers will retire for age during the following fiscal years:

Fiscal year ending—
June 30, 1908, 1 captain and 2 chief engineers.
June 30, 1909, 1 captain and 1 chief engineer.
June 30, 1910, 1 captain and 1 chief engineer.
June 30, 1911, 1 captain.

These officers all retire prior to June 30, 1911, and the additional expense necessary to provide for them in 1911, should all then be alive, would be $4,440, which is additional to the amount above stated.

With reference to the expense incident to section 1, if the captain commandant and engineer in chief, commissioned under the provisions of the bill for four years, should not be reappointed for a further period of four years, they might be commissioned senior captain and senior engineer, respectively, as additional numbers, or might resume the lineal positions held in their previous grades, as additional numbers, and would thereby occasion an increase in expense corresponding to the pay and allowance of their rank.

FOUR MASTED SCHOONER, SARAH M. LAWRENCE, RESCUED BY THE REVENUE-CUTTER ONANDAGA, JANUARY 25, 1908, ABOUT TWENTY-SIX MILES OFF WINTER QUARTER SHOAL, ATLANTIC COAST, AFTER MANY DIFFICULTIES, THE HAWSER PARTING SIX TIMES BEFORE THE VESSEL WAS BROUGHT TO SAFE ANCHORAGE IN HAMPTON ROADS.

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1060.

CONFIRMATION OF ELECTRIC LIGHT AND POWER FRANCHISE FOR WAILUKU, MAUI, TERRITORY OF HAWAII.

FEBRUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. CAPRON, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 16644.]

The Committee on the Territories, to whom was referred the bill (H. R. 9126) to ratify and confirm an act of the legislature of the Territory of Hawaii, creating an electric light and power franchise for the district of Wailuku, on the island of Maui, have made several minor amendments to the same and have embodied the amended act in a new bill (H. R. 16644), which the committee recommend do pass without amendment.

Your committee made a number of pro forma amendments to the act of the Hawaiian legislature, in order to vest the necessary rights of supervision in the proper local and county officials instead of leaving them to a Territorial officer residing on a different island.

The term of thirty-five years granted in the original bill has been stricken out and left wholly in the discretion of the Congress. The price of current has also been eliminated, provision being made that the rate shall be "a reasonable one," and power is conferred on the courts to determine the question of reasonable rates.

The general provisions of the act are in line with the three franchise bills heretofore approved by Congress for the Territory of Hawaii, and a provision is added, specifically authorizing Congress to alter, mend, or a repeal the act at any time.

The franchise as enacted by the Territorial legislature covered the entire island of Maui; this has been changed to limit it to the single district of Wailuku.

The town of Wailuku has about 3,000 inhabitants scattered over a considerable area, so that the franchise can not be regarded as a valuable one.

Provision is made that 1 per cent of the gross receipts of the company shall be paid to the Territorial government annually.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1061.

EXTENSION OF TIME FOR CONSTRUCTION OF DAM ACROSS RAINY RIVER.

FEBRUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. STEVENS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 15444.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15444) extending the time for the construction of a dam across Rainy River, having considered the same, report thereon with amendment and as so amended recommend that is pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Strike out all after the enacting clause and insert the following:

That the Rainy River Improvement Company, a corporation organized under the laws of the State of Minnesota as the successor to the rights and privileges heretofore granted to the Koocheching Company under the following acts of Congress, namely, chapter two hundred and thirty-eight, of volume thirty, Statutes at Large, entitled, "An act permitting the building of a dam across Rainy River," approved May fourth, eighteen hundred and ninety-eight, and of chapter seven hundred and ninety-seven, of volume thirty-three, Statutes at Large, entitled, "An act relating to a dam across Rainy River," approved February twenty-fifth, nineteen hundred and five, and of the various acts and provisions therein recited, is hereby authorized to construct and maintain a dam across Rainy River, Minnesota, at the place designated in said acts, subject to the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June twenty-first, nineteen hundred and six, so far as the same shall be applicable thereto, provided said dam shall be commenced within one year from the date of the passage of this act and completed on or before July first, nineteen hundred and eleven.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 13, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill (H. R. 15444, 60th Cong., 1st sess.) is to extend the time for the completion of a dam across Rainy River, the construction of which was originally authorized by an act of Congress approved May 5, 1898. The time for completing the work has heretofore been extended by Congress.

It is understood that the dam is now under coustruction and that operations are being so conducted as to in no way interfere with navigation interests. I see no

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1063.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

FEBRUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17311.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 20, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 17311, 60th Cong., 1st sess.) to authorize the construction of a bridge across Mobile River, Alabama, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 20, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1062.

BRIDGE ACROSS ST. JOSEPH RIVER AT OR NEAR ITS MOUTH.

FEBRUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17227.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 20, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 17227, 60th Cong., first sess.) to authorize the building of a bridge across St. Joseph River, Michigan, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 20, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1063.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

FEBRUARY 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17311.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 20, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 17311, 60th Cong., 1st sess.) to authorize the construction of a bridge across Mobile River, Alabama, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 20, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1065.

PROVIDING FOR SECOND DESERT-LAND ENTRIES.

FEBRUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FRENCH, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 16078.]

The Committee on the Public Lands, having had under consideration the bill (H. R. 16078) providing for second desert-land entries, report the same back with the following amendment: After the word "was" in line 11 insert the words, "assigned in whole or in part or," and as thus amended recommend that the same do pass.

Under the present desert-land law a person who has once lost, forfeited, or assigned a desert-land entry can not make another, and it is the purpose of this bill to give the desert-land entryman the same privilege now enjoyed by the homestead entryman.

There is attached hereto and made a part of this report a letter from the Secretary of the Interior in which he states that as amended he considers the legislation advisable.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of February 8, 1908, inclosing, for report and expression of opinion as to the advisability of the proposed legislation, a copy of H. R. 16078, a bill providing for second desert-land entries.

This bill proposes to restore the right to make entry under the desert-land laws to those who prior to the passage of the bill have made entry, but who for any cause have lost, forfeited, or abandoned the same, there being a proviso to the effect that the provisions of the bill shall not apply to anyone whose former entry was canceled for fraud, or who relinquished the former entry for a valuable consideration.

I have the honor to report that under the existing law the exercise of the right of entry is held to exhaust the entryman's rights, whether such entry be completed and passed to patent or abandoned and lost without the entryman's having derived any benefits whatever therefrom. It is true that for a time the practice prevailed of allowing a person to make a second entry where, for some reason beyond his control and which could not have been well foreseen, he was unable to complete the first entry; but after careful consideration, the conclusion has been reached that the existing law restricts each qualified person to one entry, and that the land department

has no discretion whatever to permit a second entry, however equitable the circumstances may appear.

This has unquestionably resulted in hardship in many instances, and there seems to be no good reason why Congress should not authorize a second entry where no benefits have been derived from the first, and where the first entry was not canceled for fraud or relinquished for a valuable consideration.

I call attention, however, to the fact that a formal assignment of a desert-land entry is sufficiently different from a relinquishment of a homestead entry, so that no doubt should be left that such an assignment shall defeat a second entry, even when a valuable consideration can not be definitely proved. For that reason the proviso should be amended to read—

"*Provided*, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud or who assigned such entry or otherwise relinquished it for a valuable consideration."

With this one amendment I consider the proposed legislation advisable, and offer no objection to its enactment.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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anomalous situation grew up, but it ought no longer to continue. The musicians are employed under civil-service rules, and their pay is insufficient. It has accordingly to be supplemented by contributions from officers and midshipmen; which is a condition of affairs not at all creditable to the Government. Some of the musicians are of advanced age, and are now barely able to perform their duties. The entire band should be put on a proper basis. It should be composed of enlisted men and there should be as many enlisted men in the band at Annapolis as there are in the band at West Point. The leader of the band should receive sufficient compensation to secure and hold a man equal at least to the present incumbent. (Extract from Report of the Board of Visitors to the United States Naval Academy, 1906, page 11.)

The following recommendations are also unanimously made by the Board for the reasons given: * * *

That authority be given to enlist the Naval Academy Band and make such changes in its size and in the compensation paid to the musicians and the bandmaster as may be required to put it on the same basis as the band at the United States Military Academy. (Extracts from the Report of the Board of Visitors to the United States Naval Academy, 1907, p. 2, 4.)

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1067.

AMENDING ACT TO PROMOTE EFFICIENCY OF MILITIA.

FEBRUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEENERSON, from the Committee on Militia, submitted the following

REPORT.

[To accompany H. R. 14783.]

The Committee on Militia, to whom was referred the bill (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, have considered the same and report it back with the following amendments:

Page 6, line 21, after the word "procure" insert "by purchase or manufacture."

Page 8, line 5, strike out "governor thereof," and insert "governors of the States and Territories, and the commanding general of the Militia of the District of Columbia."

Page 8, line 21, after the word "appropriated," insert—

Provided, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: *Provided also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.

As amended your committee recommend the bill do pass.

Although the subject of the militia and the relation and policy of the Federal Government toward the same has engaged the attention of our leading statesmen from the foundation of the Government, it is only recently that this relation and policy has been developed and definitely fixed. The militia of the Several States, although it has played an important part in all our wars, has sometimes failed to fulfill our just expectations and this failure is attributed by the most competent critics to the fact that it was regarded as a local State force and was divided in control and heterogeneous in training, discipline, armament, and equipment, with short period of enlistment, serving only temporarily until the regulars or volunteers could take its place.

There never has been any question about the personal quality of the men composing the militia. In personal bravery and ability,

love of country and the flag, they rank with the best in the country's service, and their shortcomings in the past were no doubt due to the failure of Congress to exercise its constitutional power to provide for "calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," and to establish a complete system whereby the militia could be uniformly trained, equipped, and prepared for service instantly upon call of the President in case of national emergency or need. The disastrous consequence of this state of unpreparedness for war when a large force was required in the field was greatly emphasized by our experience in the late Spanish-American war, and as a result Congress passed the act of January 21, 1903, known as the "Dick law," which in effect makes the militia a potential Federal force and, with the Regular Army, a first line of defense.

The militia or National Guard of the several States and Territories and the District of Columbia, at the last inspection, numbered 105,213, officers and enlisted men. The several States and Territories appropriated last year more than $5,000,000 to defray the expense of training and preparing this force for war, and Congress on its part contributed by its annual appropriation under section 1661, Revised Statutes, to the extent of $2,000,000. At the time of the enactment of the "Dick law" there developed a considerable division of opinion as to the extent to which Congress ought to go in legislating for the militia, and that act was to some extent the result of a compromise between these conflicting views. The subject, however, has been constantly agitated and debated in National Guard circles and among the patriotic people who take an especial interest in military affairs, with the result that a unanimous demand now comes to us from every section of the Union, for the enactment of the measure embodied in this bill. It was originally prepared by a committee of representatives of the National Guard associations and then submitted to a National Guard association convention recently assembled in Boston, Mass., and unanimously approved. The War Department has taken a lively interest in this movement toward a more complete utilization of the militia as a national force and has given it its unqualified and enthusiastic approval.

Your committee held several meetings devoted to a consideration of this bill, and at these were heard representatives of the National Guard Associations, Gen. James A. Drain, of New York, Adjt. Gen. A. B. Critchfield, of Ohio, and Gen. George B. Davis, Judge-Advocate-General of the U. S. Army, and others.

Outside of a couple of mere verbal corrections the only amendment made by your committee is the placing of a limitation of $2,000,000 upon the annual expenditures for arms, uniforms, accouterments, equipments, ammunition, etc., authorized by section 8 of the bill. This figure represents the maximum estimated expenditures for these authorized purposes, estimated upon the present strength of the militia, but would have to be removed or raised in the event of a largely increased force. With the annual appropriation of $2,000,000 under Revised Statutes, section 1661, and the expenditures herein authorized the United States will contribute annually about $4,000,000 toward the support of the militia. In view of its new status as a force instantly available on the call of the President ready to serve the nation wherever military forces may constitu-

ment. So that we should have the three bodies—the Regular Army, the National Guard, and, when called upon, the volunteers.

How do we propose to make these instruments of value? We have not got along as far with the volunteers as we have with the National Guard. The Dick bill transforms the latter into a body of State volunteers, ready when called upon.

The Regular Army, as you well know, is carefully trained at its army posts in all the various duties that are required of it, and has a very elaborate system of eduction for its officers, which system of education is post graduate after West Point—the various schools in connection with that you probably know all about. The attempt is made in the Regular Army to perfect the instruments as far as possible, and to educate as many men as possible who will show ability for the holding of high rank.

Then, every second year, the Regular Army has been, and it is proposed to put it, under canvas for a month in six or eight different central localities, geographically selected, as we did last year, as you all know. That enables them to maneuver in larger bodies than is possible at army posts. Please bear that in mind—that every second year there will be six or eight central places where the Regular Army will meet for instruction in higher duty and maneuvers. Also there is the Coast Artillery, which will have its special instructions when they are placed under canvas, as they were last year.

Now, we want to reach, as much as we can, the National Guard. We can not do it by order; we can not do it by anything but moral suasion. The Dick bill provides that the National Guard must do certain things if they want to get certain money, certain appropriations; but they are perfectly free to do these things or not, as they please, if they do not claim that money. I should like to tell you what we hope they will do. First, in all coast States there should be organized Coast Artillery, which should be twin companies to those of the Regular Army; and those National Guardsmen (I should call them volunteers) should go every year to the camps when the exercises of the Coast Artillery take place, and learn their duties; so that in time we may have a body of men who will be, at least, so reasonably well trained that they may give us one man in relief. That is all we expect.

Now, the rest of the force, infantry, cavalry, and artillery, of the National Guard, after taking their education which they get from their State in their armories, and their drill work, will go to their State camps for one year. The Army will give them as many army officers as it can to assist in instruction and advice, and especially in endeavor to provide a small body of well-trained regular troops as a sort of exhibit or example. Then, the second year, when the forces of the Army have their camps in the six or eight departments into which the Army is now divided, and which correspond more or less closely with the six or eight geographical centers of the country -in that year we invite the National Guard to take part by sending one regiment from each contiguous State to this Regular Army camp to join in the instruction and exercises given to the Regular Army there.

What is that for? For this reason—I wish I had a map of the United States here, but I will take an illustration and try to explain it without the map. The United States is divided by the War Office into departments. Take the Department of the Gulf, for instance. The concentration point of the Department of the Gulf is at Chickamauga. In that department there are in the Regular Army a regiment of cavalry and one of infantry. They go to Chickamauga and go into camp for a month. The contiguous States are Tennessee, Mississippi, Alabama, Florida, and North and South Carolina. These are the States that surround that gathering point.

Now, we invite these States each to send us a regiment, or, if they are willing to pay their own expenses, more than a regiment, to come to this rendezvous to learn two things: One, all the duties we can teach you in the maneuvers; and, secondly, and probably the most important of all, to teach them how to come and go from their home base to and from this point. Formerly each State has worked by itself in its State camps. Instead of that we want to get the National Guard of these States to come to that center every other year. We want to organize them, with the Regular Army, into an army corps, ready to take their place in the general organization at a moment's notice.

I have been talking about Chickamauga. So I will continue to use that as an illustration. It would work out this way: The commanding general there, the Department Commander of the Gulf, would be designated as the commanding general of the First Army Corps. The various States would send on their

troop, battery, signal, engineer, and hospital corps and medical department of the organized militia of the several States, Territories, and the District of Columbia, with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, * * * ." (32 Stats., 942.)

As a result of that initial expenditure, and of subsequent allotments in the operation of section 1661 of the Revised Statutes, the organized militia is now fairly well clothed, armed, and equipped for active military service. In some States the provision already made will have to be supplemented, to some extent, out of funds carried by this bill, but it is the belief of the Department that the annual cost, should the bill become a law, will not exceed $1,000,000. In other words, it is believed that the approximate annual expenditure will not greatly exceed, in the immediate future, the annual allotments for similar expenditures in the operation of section 1661, Revised Statutes, as amended. This is shown in the following table:

Fiscal year—	
1903	$894,376.56
1904	846,659.75
1905	746,871.03
1906	715,292.17
1907	838,987.01

The foregoing table shows the amount expended by the several States and Territories from their respective allotments for uniforms and equipments during the years 1903 to 1907, inclusive, and there is every reason to believe that the sums annually expended in future will not materially exceed the amounts therein indicated.

The act vests authority in the Secretary of War to establish an annual clothing allowance in behalf of the militia, in the operation of which articles of uniform and equipment which have been worn out in service are to be replaced by the United States without cost to the soldier. This is calculated to prevent abuse and to secure an economical execution of the statute. From the nature of the case the allowance of clothing per man will be considerably less than that provided for enlisted men of the Regular Army, and it is not believed that it will materially increase the amounts hitherto expended by the States, for the same purpose, out of their annual allotments. An immediate effect of the act will be to increase the sums annually available to the several States for field and camp service, and thus enable them to prepare themselves, by practice marches and State camps of instruction, for the joint encampments, the expense of which, in the operation of the general militia law, is now borne by the United States.

Section 4 of the act contains an important provision in respect to the service of the organized militia, in the requirement that—

"Whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States unless sooner relieved by order of the President."

This wholesome and patriotic provision originates in the organized militia and constitutes an offer of their services in case of national emergency during the entire period of the emergency as measured by the call of the President, and is coupled with the reasonable and proper requirement that—

"When the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise."

In this tender of service the existing limitation upon the term of employment of the militia to serve for a short period, not exceeding nine months in duration, is generously waived. The regiments of militia will enter the service of the United States as living, contnuing organizations, forming an essential and integral part of the first line of national defense. They agree to render service in any theater of military activity to which they may be called, and to continue in such service until the necessity for their employment no longer exists.

The effects of the adoption of the measure upon the Regular Army will be immediate and important and have already been alluded to. The officers of the Army will be afforded an opportunity to become familiar with field administration on a large scale, and with the handling of considerable bodies of troops under conditions similar to those prevailing in actual warfare. This experience, which is not less valuable and essential to their efficiency, will be equally shared by the officers and men of the National Guard.

It is proper to say, in conclusion, that those to whose hands the administration of the Army is intrusted are most earnest in the advocacy of a measure which is calculated to secure the efficient, harmonious, and abiding cooperation of the two great branches of the constitutional military establishment. I earnestly commend the bill to the favorable attention of your committee, and I believe that its adoption, at the present time, will secure the purposes of national defense at a minimum of public expenditure.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

The CHAIRMAN COMMITTEE ON MILITIA,
House of Representatives

[Senate Report No. 2129, Fifty-seventh Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes, have considered the same and submit the following report:

The President in his message to Congress recommends the passage of the bill:

"The measure providing for the reorganization of the militia system and for securing the highest efficiency in the National Guard, which has already passed the House, should receive prompt attention and action. It is of great importance that the relation of the National Guard to the militia and volunteer forces of the United States should be defined, and that in place of our present obsolete laws a practical and efficient system should be adopted."

The Secretary of War, in his very able annual report, explains the measure so clearly and concisely in the following language that in the opinion of your committee little further need be said:

"I earnestly urge that this measure be made a law. It is really absurd that a nation which maintains but a small Regular Army and depends upon unprofessional citizen soldiery for its defense should run along as we have done for one hundred and ten years under a militia law which never worked satisfactorily in the beginning, and which was perfectly obsolete before any man now fit for military duty was born. The result is that we have practically no militia system, notwithstanding the fact that the Constitution makes it the duty of the Federal Congress 'to provide for organizing, arming, and disciplining the militia,' and 'for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.' The National Guard organizations of the several States have grown up in default of any national system, and to meet local requirements. Their relations to the Federal Government have never been defined or settled. The confusion, controversy, and bad feeling arising from this uncertain status were painfully apparent at the beginning of the war with Spain; and it must always be the same until Congress shall exercise its constitutional power over the subject. Repeated efforts have been made to accomplish this result. Two years after the passage of the present law of 1792, President Washington addressed Congress on the subject in these words:

"'The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasions.'

"President Jefferson, eleven years later, in 1805, said:

"'I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service, etc.'

"And in 1808 he said:

"'For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others. Congress alone has power to produce a uniform state of preparation in this great organ of defense. The interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.'

"President Madison said in 1816:

"'An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard, etc.'

"President Monroe said in 1817:

"'An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.'

"Almost every President, from Washington down, has urged the importance of this subject upon the attention of Congress. The chief reason why nothing has been done has been that nobody could agree upon any one system. Everybody was agreed upon the general principle, but a majority of all the people interested were opposed to every particular concrete method suggested to give it effect.

"The bill which has now passed the House is the result of extensive and painstaking conference among representatives of all the classes of citizens especially interested in the subject and especially qualified to express opinions upon it. It does not represent fully anyone's view, but it contains many important provisions upon which a general agreement has been reached; and it will, I am sure, if enacted, be a great step in advance toward effective preparation for war otherwise than by the maintenance of a standing army.

"The fundamental idea of the bill is to recognize the value to the National Government of the National Guard, which is capable of being utilized, first, as active militia when called out by the President for the specific purposes enumerated in the Constitution; second, as an already organized volunteer force when its organizations respond as such to calls for volunteers for general military purposes under authority of Congress; and, third, as the great school of the volunteer soldier, the benefits of which are received by the country when the members of the guard respond individually to calls for volunteers. The bill undertakes to regulate and provide for these various relations of the National Guard and its members to the general system; to conform the organization, armament, and discipline of the guard to that of the Regular and Volunteer armies of the United States; to establish closer relations and better cooperation between the National Guard and the Regular Army; to promote the efficiency and dignity of the guard as a part of the military system of the United States.

"To aid in accomplishing these objects, and in recognition of the benefits to the General Government that come from the guard altogether outside of its service to the individual States, the bill provides that the General Government shall furnish to the guard the same arms which it furnishes to the Regular Army, and for the voluntary participation by the guard with the Regular Army in maneuvers and field exercises for brief periods in each year. The bill also contains provisions making the National Guard organizations which choose voluntarily to go beyond the limitations of militia service in effect a First Volunteer Reserve, and further provisions for the enrollment of a Second Volunteer Reserve not exceeding 100,000, to be composed of trained men who have served in the National Guard or in the Regular Army or the volunteer armies of the United States. These would constitute the first volunteer regiments after the National Guard Volunteers under any call by Congress. It also provides for ascertaining by practical tests, in advance of a call for volunteers, the fitness of members of the National Guard, graduates of the military schools and colleges, and other citizens with military training, to hold volunteer commissions, thus constituting an eligible list from which, in case of a call for volunteers, the officers of the Second Reserve must be taken, and the officers of the general body of volunteers may be taken. With the system provided for by the bill

carred into effect we should be able, while maintaining a standing army of but 60,000 men, to put a force of at least 250,000 well-trained men into the field instantly upon a declaration of war, and the cost would be less than to maintain but a few additional regiments of regular troops.

"The military force of the United States would then be as follows:

"First. The Regular Army, capable of enlargement by the President, when he sees war coming, to 100,000.

"Second. Such of the organized militia (already trained as a national guard, and just as valuable, when used in the manner hereinafter indicated, as any other troops) as the President shall see fit to call into the service of the United States for not exceeding nine months, to repel invasion.

"Third. A First Volunteer Reserve, composed of such companies, troops, and regiments of the organized militia already trained as a national guard as volunteer by organizations with all their officers and men.

"Fourth. A Second Volunteer Reserve, composed of men previously enrolled and having previous military training in the National Guard, the Regular Army, or the Volunteer Army, and commanded by officers whose fitness has been previously ascertained by practical tests under the provisions of the militia act.

"Fifth. Such further volunteers as it may be necessary to call forth from the States, according to their respective quotas, and commanded by regimental officers appointed by the governors of the States.

"A conservative estimate of the number which would be included in the first four classes of troops, who have already had military service and will be available for immediate action, is from 250,000 to 300,000.

"The number of the fifth class—volunteers who may or may not have had previous service—has no limit, except the possibilities of transportation and supply.

"The capacity of the National Guard organizations in general to serve effectively as organizations, either militia or volunteer, in the National Army in case of war depends very largely upon the aid which they receive from the National Government. The guard is now armed with a variety of weapons of different kinds and calibers, including two different calibers of the obsolete Springfield rifle, the Lee, the Remington-Lee, the Winchester, and the Krag-Jörgensen. In several instances different National Guard organizations of the same State are armed with different weapons of different calibers. Among all the 115,000 National Guardsmen of the different States and Territories only about 4,000 have the modern service rifle of the United States Army. With the exception of these 4,000 rifles the arms of the guard would be practically worthless in time of war, not merely because they are inferior, but because the guard would have to look to the United States Government for their ammunition, and the Government will have no ammunition for the kind of rifles they carry; they would have to look to the Government to replace the arms lost or broken in service, and the Government will be unable to supply the same kind. The militia and the volunteer National Guard organizations in general would therefore be obliged to throw away their present arms at the beginning of a war and get reequipped with weapons the use of which they had never learned."

The Committee on Militia in the House of Representatives make a very elaborate and full report, and unanimously recommend the passage of the bill.

Your committee, after full consideration, also recommend the passage of the bill.

[House Report No. 1094, Fifty-seventh Congress, first session.]

The Committee on Militia, to whom was referred House bill 11654, recommend the passage of the same with the following amendments:

Page 1, section 1, line 8, substitute "three" for "two;" line 11, insert, after "territories," "National Volunteer Reserve, as provided in this act;" line 12, substitute "Reserve" for "Enrolled."

Page 3, section 3, line 12, strike out words "by law" after the word "prescribed;" lines 15 and 16, substitute "battery" for "battalion."

Page 8, section 11, line 3, after "pay," insert "and allowances."

Page 9, section 13, line 5, after "United States," insert "standard;" after "magazine" substitute "arms" for "rifles and carbines;" line 6, strike out the word "web;" line 7, after "other," insert "necessary;" line 10, strike out the words "same, or the;" after "thereof" insert "or any which have been issued since December 1, 1901, or any expenses connected therewith."

The following extracts from chiefs of the bureaus, made to the Secretary of War in 1898, are pertinent:

[Extracts from reports, 1898.]

INSPECTOR-GENERAL UNITED STATES ARMY.

Recent experiences have shown that our militia system could advantageously be reconstructed and a more intimate relation established between it and the National Government.

The great number of volunteer regiments moving to the centers of concentration without arms or uniforms, and the subsequent difficulties in meeting their needs promptly, suggest the establishment of reserve or supply depots at convenient points in order that each State on call can put its quota in the field in condition for service, at least as far as arms and equipments go.

To secure better cohesion between the National Guard and Regulars and the greatest efficiency of troops in the field funds should be provided for combined encampments and periodical military maneuvers and experimental mobilization in times of peace, as is customary with all first-class European powers. One of the most serious defects noted during the Spanish-American war was the inexperience and utter disregard for the most elementary principles of military life in large camps.

SURGEON-GENERAL UNITED STATES ARMY.

Considerations of domestic economy and sanitation in the companies and regiments were not given proper attention, and men who were being taught to meet the enemy in battle succumbed to the hardships and unsanitary conditions of life in their camps of instruction.

CHIEF OF ORDNANCE, UNITED STATES ARMY.

When the first call for volunteers from the States for the war with Spain was made it was decided to take as many of the regiments of the National Guard as possible, already armed and equipped by the States. * * * The supposition was that * * * the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition—an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

As these troops (volunteer, first call) were mainly from the National Guard of the different States, it was understood that they were well equipped, * * * which supposition was not realized.

In addition to the failure of the National Government to exercise its power to organize, arm, and discipline the militia and to make the various State troops a national guard in fact as well as in name, the following causes also operated to prevent the successful operation of the existing militia law:

1. The several clauses of the general law never became fully operative, as their execution depended upon State legislation, which was never obtained.

2. The terms of the statute were too sweeping, and the attempt to include all able-bodied males of military age was practically impossible of execution; the statute not being applicable to a smaller or more restricted class, was thus rendered inoperative.

3. The organization prescribed having been fixed in the original statute, soon became obsolete and failed to furnish a uniform standard of composition for the militia embodied from time to time by the legislatures of the several States. The modifications brought in by the legislation of 1862 are now completely at variance with those prescribed by law for corresponding organizations in the Army of the United States.

The Presidents of the United States, from Washington down to the present time, have recognized the inadequacy and inefficiency of legislation on the subject of the militia, and have repeatedly recommended the repeal of the old law and the substitution of something practical. Almost without exception they have recognized that the main support and defense of the country in time of danger must rest upon its volunteer forces, and have repeatedly called the attention of Congress to the necessity of making proper provision for organizing, arming, and disciplining the militia.

The following are extracts from messages of Presidents relative to the militia:

[Extracts from messages of Presidents relative to the militia.]

PRESIDENT WASHINGTON, 1789.

Along with this object (the preservation of peace and tranquillity on the frontiers) I am induced to suggest another, with the national importance and necessity of which I am deeply impressed; I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe that I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of the many well-instructed officers and soldiers of the late Army, a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved would be to neglect an opportunity. * * *

PRESIDENT WASHINGTON, 1790.

Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most efficient means of preserving peace.

A free people ought not only to be armed but disciplined, to which end a uniform and well-digested plan is requisite.

PRESIDENT WASHINGTON, 1791.

The first (militia) is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community or to the preservation of order.

PRESIDENT WASHINGTON, 1793.

They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which can not be too solemnly pursued, whether the act more effectually to provide for the national defense by establishing a uniform militia throughout the United States has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

PRESIDENT WASHINGTON, 1794.

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasion.

PRESIDENT WASHINGTON, 1795.

With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

PRESIDENT JEFFERSON, 1801.

These considerations render important that we should, at every session, continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now, or at any time, separate until we can say we have done everything for the militia which we could do were an enemy at our door.

PRESIDENT JEFFERSON, 1802.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

PRESIDENT JEFFERSON, 1804.

Should any improvement occur in the militia system, that will be always seasonable.

PRESIDENT JEFFERSON, 1805.

I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service, and to be called to it in regular rotation.

PRESIDENT JEFFERSON, 1806.

A militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity.

PRESIDENT JEFFERSON, 1808.

For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others. Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

PRESIDENT MADISON, 1809.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

PRESIDENT MADISON, 1810.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.

are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defense of the Union at the shortest notice and at the smallest expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

PRESIDENT ADAMS, 1826.

The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

PRESIDENT JACKSON, 1832.

If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to an emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for purposes of defense, under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the Government was instituted and is supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defense requires your attention.

PRESIDENT JACKSON, 1835.

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repal foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government.

PRESIDENT JACKSON, 1836.

In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this armed defense has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

PRESIDENT VAN BUREN, 1837.

It is not, however, compatible with the interests of the people to maintain in time of peace a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been fre-

inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition and that every encouragement be given to this deserving body of unpaid voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble.

PRESIDENT ROOSEVELT, 1901.

Our militia law is obsolete and worthless. The organization and armament of the National Guard of the Several States * * * should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. * * * It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

* * * the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition, an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

As these troops (volunteer, first call) were mainly from the National Guards of the different States, it was understood that they were well equipped, * * * which supposition was not realized.

Your committee has endeavored to provide a plan as simple and practical as possible to place the militia of the country upon an adequate and satisfactory footing, so that in time of danger it would be immediately available for national defense. The committee believes that that end can be accomplished without changing, or attempting to change, the long-established relations between the General Government and the States, and with that end in view that such legislation as is recommended should be in substantial conformity to the following conditions:

1. The obsolete and inoperative sections of the general militia law should be repealed.

2. Those portions of the original statute which continue to have operative force should be brought into conformity with existing military conditions.

3. The organization and discipline of the militia should, for the sake of uniformity of instruction, conform to that prevailing in the Army.

4. The cooperation of the Federal Government should be so regulated as to make it reasonably certain that its expenditures for the maintenance and armament of the militia should hereafter be conditioned or made to depend upon such return, in the way of improved organization and increased efficiency, as will be calculated to justify its liberality in the matter of appropriations.

THE GENERAL MILITIA LAW OF 1792.

The original enactment on this subject was the act of May 8, 1792 (1 Stat., 271), and is embodied, with some modifications presently to be discussed, in the revision of the statutes in 1874 as Title XVI, sections 1625 to 1661, of the Revised Statutes.

The sections of the proposed enactment will be discussed in the order in which they are recommended for adoption.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, Sec. 1. That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided in this act, and the remainder to be known as the Reserve Militia."

This section prescribes the basis of enrollment, conforming in that regard to the corresponding definition of the obligation of citizens, and of aliens who have declared their intention to become such, which is embodied in the act of April 22, 1898.

The original enactment contemplated the establishment of militia districts in the several States composing the Union. In each of these a company of militia

In 1726, without declaration of war, a British squadron under Admiral Hosin was sent to the West Indies and blockaded Porte Bello.

In 1727 Spain, at peace with England, laid siege to Gibraltar from February 11 to November 23.

In 1733 Russia invaded Poland without a declaration of war.

In 1739 reprisals preceded war between Spain and England. War was declared by England October, 1739.

1740, the first Silesian war.

1741, naval fights between France and England without declaration of war.

1742, without declaration of war, Naples, by action of an English admiral, forced to become neutral.

On June 27, 1743, the battle of Dettingen was fought, at which time no declaration of war had been made, nor was it made until March 20, 1744, when France declared war against England.

On August 9, 1744, Saxony and Bohemia were invaded by Frederick without declaration of war.

In 1747 sudden invasion of Holland by the French, in which the French secured all the advantages of sudden attack.

In 1754 France and England put forth hostile claims in America without declaration of war or notice. Fighting commenced between English and Virginia troops on the one hand and French on the other.

On May 17, 1756, England declared war on France.

In August, 1756, Frederick the Great suddenly invaded Saxony with 75,000 men. He did not publish a declaration until after crossing the frontier.

In 1759 the Dutch commenced hostilities in India against the English without proclamation of war.

In June, 1770, 1,700 Spanish soldiers and mariners with five frigates and a train of artillery and ordnance stores arrived at Port Egmont, when only two sloops of war and a miserable blockhouse with four guns constituted all the means of defense. Articles of capitulation were immediately concluded.

In 1777 Austrian troops numbering many thousands entered lower Bavaria and seized every important place, no declaration of war having been previously declared.

On February 6, 1778, France signed secretly a treaty with Franklin, engaging to give assistance to the American colonies. France did not then declare war upon England.

In 1779, Spain joined France in a war against England.

On April 21, 1784, Austria sent a detachment of troops into Dutch territories and took possession of Fort Lillo.

On December 20, 1787, before the declaration of war was issued, Austria sent six regiments into Turkey for the purpose of surprising the Turkish fortress Belgrade. Declaration of war was not declared until July 10, 1788.

In July, 1789, a Spanish frigate of 26 guns captured two English vessels and seized a settlement.

On April 20, 1792, France declared war against the Empire of Germany.

On September 28, 1792, the French Republic surprised Nice, Montalbon, and Ville Franche, in the Kingdom of Sardinia, during peace.

In the same year, without declaration of war, the French Republic ordered invasion of neutral Switzerland.

On July 1, 1793, France declared war upon England, Spain, and the Netherlands.

In 1795 England seized Dutch colonies, capturing the island of Ceylon without fighting; no declaration of war having previously been made.

In 1796 the French republican army, without declaration of war, seized forts and territories of the states of the Church, Naples, Tuscany, Parma, Modena, etc.

On January 28, 1798, France suddenly invaded Switzerland. Naples moved against France, and France took possession of Navarra, Suza, and Coni. No declaration of war was made in any instance.

On September 5, 1800, Russia seized two British ships in Russian ports and sent their crews prisoners into the interior without declaration of war.

On July 14, 1801, reprisals were ordered by the English cabinet. All Swedish, Denmark, and Russian vessels in English ports were seized and a large English fleet under Sir Hyde Parker was dispatched to the Baltic, although there was no declaration of war.

On March 20 the Swedish inland steamer *Bartholomew*, wholly unprepared for any defense, surrendered at the first summons to a force of three regiments of foot and a detachment of artillery under Lieutenant-General Trigge and a squadron under Rear-Admiral Duckworth.

In 1802 Napoleon sent a force of 20,000 men into friendly Switzerland and seized by surprise Soleure, Zurich, and Berne.

On November 23, 1806, the Russian army, during negotiations and after full concessions, suddenly invaded Moldavia and seized Chotsim, Bender, and Jassi.

In 1806 England sent an expedition against Curaçao; her fleet suddenly entered the harbor, and Fort Amsterdam was assaulted and captured.

On March 6, 1807, England sent an expedition, during negotiations, into Egypt, and on the 21st of March the governor of Alexandria accepted terms of capitulation.

In 1807 the English man-of-war *Leopard*, 52-guns, demanded of the *Chesapeake*, an American frigate cruising off Virginia, the requisition of some English deserters on board the *Chesapeake*. The American captain denied the right of search, whereupon the *Leopard* fired a broadside, killing and wounding several Americans in time of peace.

In 1812 Napoleon by sudden attack on troops of Kowno declared war with Russia.

On June 18, 1812, the United States declared war against Great Britain. During the month of April previous, however, a general embargo was laid by Congress upon all vessels in the harbors of the United States for seventy days.

In 1815 Murat, King of Naples, attacked Austria without notice.

In 1816 Portugal invaded the Spanish possessions on the river Plate without explanation or previous declaration.

In 1818 the United States, during peace with Spain, seized Pensacola and St. Marks.

In 1821 the United States seized a French ship during time of peace.

In 1826 the King of Spain carried on hostilities against Portugal with willful falsehood without declaring war, but professing friendship.

During the same year England, without declaration of war on Spain, dispatched troops to fight the Spaniards.

In 1827 the Turkish fleet was destroyed by Russia, England, and France, without warning of war.

In 1828 the Russo-Turkish war occurred. Hostilities on both sides preceded declaration of war.

In the same year France sent an expedition against the Turks in Greece and captured five fortresses.

In 1831, without declaration of war, Russia fired into, sank, and captured Greek ships and joined in a formal attack upon Poros.

During this same year a French admiral carried off the whole Portuguese fleet and converted reprisals into war. And the King of Holland pressed his troops into Belgium and in nine days crushed the Belgian forces.

On February 22, 1832, France sent a squadron with troops and captured Ancona by sudden surprise during absolute peace between France and Rome.

In 1834 the Spanish army, without notice, crossed the Portuguese frontier and, by a forced march, surprised and defeated the force under Don Carlos.

In 1835 the inhabitants of Texas raised the standard of revolt against the Mexican Government and declared themselves independent.

During the year 1838 an invasion of Canada took place under circumstances described in the United States Congress as such "That the people were at war while their Governments were at peace."

On the 17th of April, 1840, the British ships of war in the vicinity of Naples commenced hostilities and captured a number of Neapolitan vessels, and an embargo was laid on all ports of Malta that bore the Sicilian flag.

In 1844 hostilities by France against Morocco commenced by Prince de Joinville on not receiving a satisfactory answer to an ultimatum.

On May 13, 1846, the Congress of the United States passed a resolution that, by virtue of the constitutional authority vested in them, declared that a state of war existed between the Republic of Mexico and the United States. The President in his message recited many and various acts of hostilities prior to any declaration of war.

In 1847 a revolutionary junta had been established in Portugal and was carrying on a war against the Queen. The war having dragged on for some time, England, France, and Spain agreed to interfere, but no declaration of war was made.

In 1848 the Italian insurrectionary war broke out; the King of Piedmont at once joined his armies to those of the Italians, and the war, from its nature, was carried on without any formal notice.

On April 25, 1849, the French General Oudinot entered citadel Civitá Vecchia. The Roman Assembly protested in the name of God and the people against this unexpected invasion. A short time after there followed the siege and capture of Rome.

In 1850 and 1851 the United States waged the 'unofficial" war against Cuba.

In 1853 and 1854 the Crimean war was waged. Hostilities preceded war as follows: The Russian Government seized the Danubian Principalities.

On May 31 the order for the passage of the Pruth was passed.

On June 2, before it was known in London, orders were sent to English and French admirals to move up the Besike Bay.

On October 22 the English and French fleet, under orders from London and Paris, entered the Dardanelles in express breach of treaty of 1841.

On October 23 Turkey declared war upon Russia and crosed the Danube to expel the Russians.

In 1859 France and Italy against Austria. The Austrian Government alleged that the actual comencement of this war was on both sides (as between France and Austria), declared to be due to prior hostile acts, not words.

On May 5, 1860, Garibaldi sailed from Genoa with 2,000 troops to wrest Sicily from the King of Naples.

In 1863 war between Austria and Prussia on one side and Denmark on the other virtually commenced by the occupation of Holstein and Lauenburg by the troops of the two great powers.

In 1870, the war between France and Germany, the declaration of war clearly preceded war.

These facts prove the necessity of a wise people being prepared for any emergency. While at present there may be no probability of any foreign power waging war against the United States, yet, as an intelligent nation, we should not in our repose of security lose sight of the possibilities of such an event. Great Britain, if uninterrupted, could place within forty days an army of 100,000 men in the midst of the greatest wheat-producing section of our country.

In addition to the wheat fields, the lumber regions and the ore beds of the Northwest, the entire output of which would be controlled by the presence of an army of ocupation moving from Winipeg south into the United States, and thus cutting the Northern Pacific Railroad, Great Britain would, by means of her light-draft gunboats, have control of the Great Lakes and thus have an uninterrupted water communication, except when the ice of winter prevented, between the left wing of the army of occupation of the Northwest, resting at Duluth, and the right wing of the army of the Northeast, with its right resting probably on Lake Erie.

This army would be composed of the troops of the home garrisons in the United Kingdom and Ireland and of levies from Bermuda and Jamaica and all the militia and volunteers of Canada. Great Britain constantly keeps in her squadron, which is at Bermuda or Halifax, or between these two points, from four to five fine gunboats of such a draft as will allow them to pass through the St. Lawrence system of canals into Lake Ontario, and by the Welland Canal into Lake Erie. These vessels, without infraction of treaty, and indeed probably without our knowledge, can pass so far up the St. Lawrence that the time required for them to enter and cross Ontario and pass through the Welland Canal into Lake Erie must be estimated in hours rather than days. Once there, and even if we succeeded in successfully disputing the passage through the Detroit River and Lake S. Clair into Lake Huron, there would nevertheless lie at their mercy the cities of Buffalo, Dunkirk, Erie, Cleveland, Toledo, Sandusky, and other cities and villages on the south shore of Lake Erie.

Treaty stipulations prevent our having a fleet on the lakes, and to-day in that region the antiquatest and obsolete man-of-war (?) *Michigan* not unfitly represents the majesty of our naval power.

Is there any way to prevent the mobilization of this great army and the passage of these vessels? The answer can not be given positively in a word. There is if we have an efficient militia system, there is not if we have not; for our skeleton of an army, numbering less than 65,000 men, scattered from one end of this great country to the other, and from the North to the South, and a large proportion of it serving in the Philippines, Porto Rico, and Hawaii, forms nothing more than a picket guard to sound the alarm. The St. Lawrence canals are all upon the far side of the St. Lawrence from us, with one exception, which is the Beauharnois (called in the local tongue "Barnway"). This, it is true, lies upon our side of the river, although, of course, upon Canadian

soil, but its exposed position in case of war is as well known to England and Canada as ourselves, and consequently a canal to replace it has been projected on the other side of the St. Lawrence; surveys have been made, and probably work upon it has already been begun. Still, a bold and efficient force under a dashing leader might reach some of the St. Lawrence canals in time to cripple them; but the natural movement would be upon the Welland. With an effective force of militia such as we should have the Welland Canal can be seized and held, the movement of troops upon the St. Lawrence can be checked, and before the thirty-six days, to which allusion has been made in the first part of this report, have passed the line of the Canadian Pacific Railroad can be in our possession. But that these things should be possible, it is essential that the United States should be able to mobilize a force of 100,000 men in not less than forty-eight hours.

We can have millions if we can spare the time to raise, equip, drill, and discipline volunteers, but time is exactly the element which the wary enemy will not allow us, and therefore our only safeguard lies in a militia which can give us an effective "first line" of 100,000 men in forty-eight hours. It is not reasonable to suppose that for this short notice we can obtain more than 75 per cent of the paper force; and therefore, while our militia should be 200,000 men, it is absolutely unsafe for it to be less than 150,000. But to have a force of this size more money is needed. The States already appropriate more for the militia than the United States. It is a popular delusion that the money which is annually appropriated by the United States for arming and equipping the militia is money given to the militia. The law states that this money is appropriated for the purpose of "providing" arms, etc. That is to say, the United States appropriates this money and with it buys or manufactures war material, which material, instead of being placed in storehouses, is intrusted to the National Guard of the States and Territories; and while some of it of course is, of necessity, worn out in the drilling and disciplining of this reserve of volunteers, all of it that is serviceable—to quote the language of the law—"shall remain the property of the United States," and, in the event of need, can be and will be utilized by the United States in arming and equipping its troops. The money thus appropriated should therefore be looked upon not only as money expended for the benefit of the militia, but as funds provided for the very necessary purpose of preparing a reserve stock of war material for use in emergencies.

Reference has been made to how important an element time is. The following is quoted from a lecture delivered by Capt. D. M. Taylor, Ordnance Department, United States Army, at San Francisco in 1885:

"With the introduction of steam, electricity, and arms of precision, the 'pomp and circumstance of glorious war' went out, and with them departed the dignified slowness which characterized military operations of the period when combatants took their time about wars, and their duration was from seven to thirty years. Modern wars are short and sharp. In this connection the following dates are instructive:

Year.	War.	Declared.	Decisive battle.	Days.
1859	France and Austria	May 3	Solferino, June 24	52
1864	Dano-German	Jan. 16	Fall of Duppel, Apr. 18	93
1866	Austro-Prussian	June 16	Sadowa, July 3	17
1866	Austro-Italian	June 20	Lissa, July 20	30
1870	Franco-German	July 15	Sedan, Sept. 2	49

"So that we see in many instances the fate of war has been decided and its decisive battles fought in fewer days from the declaration of war than is needed in shipbuilding England to prepare the plans and let the bids for one class of unarmored vessels."

The Constitution provides for appropriations for the support of the Army and Navy. It further provides for organizing, arming, and disciplining the militia, thus authorizing an appropriation for the common defense.

All that is undertaken by section 24 of the bill is to provide who shall constitute the national volunteer reserve. They do not become a part of the standing Army of the United States. All that could be done would be, under the direction of the Secretary of War, to provide for their organization, drill, inspection, instruction, and give authority in time of threatened war to call them

out; and upon declaration of war by Congress, to make them a part of the volunteer force of the United States.

The sections replaced by the foregoing are 1625, 1626, 1627, and 1628, which provide that—

"SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty-five years, shall be enrolled in the militia.

"SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of eighteen years, or who, being of the age of eighteen years, and under the age of forty-five years, come to reside within his bounds.

"SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment by a proper noncommissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

"SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powderhorn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack; and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon."

"SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters, and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, inspectors of exports, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are now exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age."

The old clause of exemption is reenacted without substantial change as section 2 of the proposed enactment.

The foregoing section replaces section 1629, Revised Statutes, which provides that—

"SEC. 1629. The Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress and their respective officers; all custom-house officers, with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States shall be exempted from militia duty; notwithstanding their being above the age of eighteen and under the age of forty-five years."

"SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as national guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the

same as that which is now or may hereafter be prescribed by law or regulations for the Regular and Volunteer Armies of the United States: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps."

This section provides an elastic organization for the embodied militia conforming to the present composition of similar troops in the Army, and changing in the future as Congress may see fit from time to time to make changes in the composition of the corresponding organizations in the Regular Army.

The objects of the provision that "the organization, armament, and discipline of the organized militia * * * shall be the same as that which is * * * prescribed * * * for the Regular and Volunteer Armies of the United States" are twofold.

First, that in time of peace there shall be uniformity of instruction; and second, in time of war organization shall be identical, to avoid confusion.

While at the time of entry into the service of the United States interpretation of the requirement relating to organization might be strict, in time of peace it might properly be liberal, when not interfering with the true intent of the provision.

Thus, while in time of peace a company, troop, battery, battalion, or regiment of infantry or cavalry might, as a necessity of instruction or administration, have assigned or detailed to it extra officers to perform the duties of extra lieutenants, battalion adjutants and quartermasters, inspectors or small arms practice, assistant surgeons, etc., these officers, unless subsequently provided for in the Regular and Volunteer service, would be relieved from duty at the time of entry into the United States service of the organization to which attached, but might conveniently fill vacancies in line or staff at such time or fill other offices of usefulness in the service.

In spite of tradition, the fact remains that all necessities, tactical and administrative, are best met in all cases by requirements of three battalions of four companies each. It is not unreasonable to assume that with the increased public appreciation of the importance of the organized militia under the new law, the necessary increase of companies and recruiting would follow. While a regiment of ten companies might be considered as untactical (except under Upton's discarded tactics), even in the regular service a regiment might properly be left at eight companies pending recruitment to a full regiment or as a ten-company regiment divided into three battalions, two to consist of three companies only.

In case of separate companies of infantry or troops of cavalry, if the organization is similar to that of the corresponding body in the regular service, and conditions are inconvenient to attach them to a battalion, squadron, or regiment existing, it would not appear to be violating section 3 that such company or troop should remain unattached until a larger unit should be created.

As to special numerical or other designation, there appears to be nothing in the new law to conflict with present nomenclature. When forming part of a battalion or squadron or regiment, the present designations might still be preserved.

In cases of existing bodies of engineers or artillery, organized as regiments, conceding the necessity of such organizations for administrative and instruction purposes, this organization does not differ from the regular army organization, except in name, which is not important. If the same number of companies of the Regular Artillery or Engineer Corps were assembled permanently at one post, they might properly be commanded and administered by detailed field and staff officers and noncommissioned staff, as is the case of National Guard heavy artillery and engineer regiments. In the event of entry into the United States service, if as coast artillery or engineers, neither of these organizations would be brigaded, but split up as the necessities of the service should determine. Therefore no change except in the matter of the detail of extra officers need be contemplated in such organizations.

Uniformity of organization, or at least to an extent that will insure uniform instruction in time of peace and absolute uniformity on entry into the United States service, may well be considered the very essence of the new bill, and any variation or qualification of the terms of section 3 which would open the door to a perpetuation of the lack of uniformity now prevailing would be most injurious to the service. In comparison the inconvenience involved on the part of the different States in conforming to the spirit and letter of the new law would be very slight.

This section also requires that the "armament" and "discipline" shall conform to "that which is now or may hereafter be prescribed by law for the Regular and Volunteer armies of the United States." The requirements as to a uniform armament needs no explanation. The provision requiring uniformity in discipline replaces a similar requirement of the law of 1792, which provided that:

"SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, of the militia."

From an examination of section 1637 it will be seen that the term "discipline," as used in the section proposed for adoption, relates to the tactics or drill regulations of the different arms or corps, and such other books and manuals as are provided for the instruction of troops; the purpose being to secure uniformity in training in the militia of the several States, and at the same time to reserve to the States and Territories, respectively, the duty of training or disciplining their militia in accordance with the methods prescribed by Congress, or by the President under its authority and direction.

Section 3 of the act of May 8, 1792, prescribed a general organization of the militia. Each regiment was to consist of 2 battalions of 5 companies each. A regiment of 2 battalions was to have a colonel, lieutenant-colonel, 1 major, and 1 chaplain. An adequate regimental staff was also provided. A separate battalion was commanded by a major who was not assisted by either a commissioned or noncommissioned staff. The company of infantry, which was the fundamental unit of the organization, was composed of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, and 64 privates. Each battalion was to have 1 company of "grenadiers, light infantry, or riflemen," and it is not quite clear whether this company was to be in addition to or to be formed out of the 5 by selection or otherwise. The context would indicate, however, that the latter course was contemplated in the formation of the special company above described. A company of artillery was authorized for each division, and was to be composed of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombadiers, 2 musicians, and 64 privates. A "troop of horse" was composed of 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, 1 trumpeter, and 64 privates. During the war of the rebellion the organization of the militia was modified by the act of July 17, 1862 (12 Stats., 597), which provided a ten-company organization for the infantry regiment, and required companies of cavalry and artillery to be organized "as in the regular service." This statute is still in force.

The tactical organization of the militia of the several States into brigades and divisions was provided for in section 3 of the act of May 8, 1792 (sec. 1630, Rev. Stat.), by a general requirement that the militia of each State "shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct." Each brigade was to consist of four regiments, but the composition of the division was not expressly provided; and the divisions, brigades, and regiments were to be numbered at their formation, the numbering being of record in the adjutant-general's office of the State; and "when in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number."

The third section also prescribed the number, rank, and duties of the general and staff officers necessary to the command and administration of the tactical organizations therein provided for. The act of March 2, 1803 (2 Stats., 207), made further provision for the general staff of the militia forces. The organization prescribed for the militia in the act of May 8, 1792, underwent some modification in the act of July 17, 1862 (12 Stats., 598), which prescribed a regiment of infantry of ten companies, fixed the proportions of artillery and cavalry at one company of each arm for each ten-company regiment of infantry, and established a uniform organization for divisions and brigades. This enactment, which is embodied in sections 1645–1647 of the Revised Statutes, is still in force.

This section replaces sections 1630, 1631, 1632, 1633, 1637, 1641, 1645, 1646, and 1647 of the Revised Statutes, which are as follows:

"SEC. 1630. The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct. Each brigade may consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates. Each division, brigade, and regiment shall be numbered at the formation thereof, and a record of such numbers shall be made in the adjutant-general's office of the

State. When in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to its number, reckoning the first or lowest number highest in rank.

"SEC. 1631. The militia shall be officered by the respective States as follows: To the militia of each State, one quartermaster-general; to each division, one major-general, two aids-de-camp with the rank of major, one division inspector with the rank of lieutenant-colonel, and one division quartermaster with the rank of major; to each brigade, one brigadier-general, one brigade inspector, to serve also as brigade major, with the rank of major, one quartermaster of brigade with the rank of captain, and one aid-de-camp with the rank of captain; to each regiment of two battalions, one colonel, one lieutenant-colonel, one major, and one chaplain; to only one battalion a major, who shall command the same; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. And there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one drummer, and one fife-major.

"SEC. 1632. There shall be formed for each battalion at least one company of grenadiers, light infantry, or riflemen, and for each division at least one company of artillery and one troop of horse. For each company of artillery there shall be one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers shall be armed with a sword or hanger, a fusee, bayonet, and belt, with a cartridge box to contain twelve cartridges; and each private shall furnish himself with all the equipments of a private in the infantry until proper ordnance and field artillery is provided. For each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers shall furnish themselves with good horses of at least fourteen hands and a half high, and shall be armed with a sword and a pair of pistols, the holsters to be covered with bearskin caps. Each dragoon shall furnish himself with a serviceable horse at least fourteen hands and a half high, a good saddle, bridle, mail pillion, and valise, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge box to contain twelve cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense, the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

"SEC. 1633. Each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle horn by the commissioned officers of the company, in such manner as the legislature of the respective States may direct.

"SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, of the militia.

"SEC. 1641. All corps of artillery, cavalry, and infantry now existing in any State which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

"SEC. 1645. The militia, when called into actual service, shall be organized as prescribed in the two following sections.

"SEC. 1646. They shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regluar service.

"Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant (a lieutenant), one quartermaster (a lieutenant), one surgeon and two assistant surgeons, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

"SEC. 1647. They shall be further organized into divisions of three or more brigades each, and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant quartermaster, one commissary of subsistence, and sixteen musicians as a band.

"SEC. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the other forces at his command to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the organized militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper."

This section, which has undergone no material change in revision, replaces section 1642 of the Revised Statutes, which provides that:

"SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper."

"SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called forth shall continue to serve during the term so specified, unless sooner discharged by order of the President."

An able statement of the reasons why the militia can not be taken out of the United States for the purposes of war is to be found in Ordronaux's Constitutional Legislation, page 501, from subhead "Calling out the militia and its government" to the subhead "Jurisdiction over ceded places," page 506.

CALLING OUT THE MILITIA AND ITS GOVERNMENT.

The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into the service of the United States. These purposes are: First, to execute the laws of the Union; second, to suppress insurrection, and, third, to repel invasions.

These three occasions, representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories. Under these circumstances they still remain the militia of their several States, although temporarily in the service of the United States as the superior power constitutionally invoked "to execute the laws of the Union, to suppress insurrection, and to repel invasions." In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumerations of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment. (Kneedler *v.* Lane, 45 Penn., 238; Martin *v.* Mott, 12 Wheat., 19; Hudson *v.* Moore, 5 ibid., 1.)

Being the ministers of the law to enforce its commands, they can only be summoned by the lawmaking power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not, consequently, be used to invade the territory of a neighboring country, or to enforce any public rights abroad. While serving as State militia they do not lose their distinctive character beyond becoming the militia of the United States for the time being.

In respect to their control the power of the State and General Government over the militia are concurrent in this sense, that the powers of the State governments antedating the Constitution and not having been prohibited by that instrument, still remain with the States until a necessity arises calling for the exercise of the superior authority of the General Government over the same subject. (Houston *v.* Moore, 5 Wheat., 1.)

Then the State authority (except in the matter of training and officering them according to the discipline prescribed by Congress) becomes subordinated to that of the President as commander in chief of all our forces. Whenever, therefore, any body of the militia has entered into the service of the United States its authority over them is exclusive and paramount.

As to the command of the militia, the State alone is authorized to provide its officers, but when it has passed into the service of the United States the President as commander in chief may exercise his command over them either through Regular Army officers or through the officers of the militia themselves. Until such troops have actually been mustered into this service they are not amenable to the Articles of War prescribed by the General Government, and can not be punished for disobedience to them. The militia called into the public service are still the militia of the States until organized in the manner prescribed by Congress. (Mills *v.* Martin, 19 Johns., 7; Houston *v.* Moore, 5 Wheat., 20; Vanderhyden *v.* Young, 11 Johns., 150.)

The Revised Statutes of the United States (Title XVI) have reenacted the act of 1792, with all its obsolete military terms and references to weapons long since relegated to the museums of military antiquities. Much of this scheme of organization is in the light of modern science not only faulty but, under present and accepted rules of formation, wholly impracticable. Our highest military authority has pointed this out most forcibly in a recent publication, whose statements should receive the serious attention of Congress. (Our Army and Militia, by Gen. W. T. Sherman, in North American Review for August, 1890.)

This section replaces section 1648 of the Revised Statutes without other change than is believed to be necessary in order to bring the requirement up to date.

"SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President."

In the earlier enactments in respect to the Federal employment of the militia the period of compulsory service was fixed at three months in any one year, and the completion of such a period of service entitled a member of the militia to exemption from active service, save "in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs." (Sec. 4, act of February 28, 1795; 1 Stats., 424.) This period was extended to six months by section 2 of the act of March 3, 1839 (5 Stats., 355), and to sixty days after the commencement of the next regular session of Congress by section 3 of the act of July 29, 1861 (12 Stats., 281), and to nine months by the act of July 17, 1862 (ibid., 597), which is the existing law.

"SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population."

This section replaces section 1643 of the Revised Statutes. It differs from that section only in that it is not mandatory, but vests a discretion in the President in respect to the apportionment of quotas where the militia of more than one State is called into the service of the United States. Section 1643 provided that:

"SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President he shall apportion them among such States according to representative population.

"SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial, and shall be punished as such court-martial may direct."

The authority to order forth the militia presupposes the power to enforce compliance with the order, and to make such authority effective it must be

accompanied with the power to punish for a disobedience of such order from the moment a call is made. The only effective means to enforce such authority is by court-martial. Section 5 of the act of February 28, 1795 (1 Stats., 424), the Federal enactment on the subject, provided:

"That every officer, noncommissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases above recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such noncommissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month for every five dollars of such fine."

The leading case of Martin *v.* Mott (12 Wheaton, 19) grew out of an attempted enforcement of this section, and that of Houston *v.* Moore (5 Wheaton, 1) out of a corresponding attempt in the case of an enactment of the Pennsylvania legislature in its support. A report submitted to Congress by the Comptroller of the Treasury on October 30, 1820, shows that 9,945 persons were fined under the provisions of this section in sums aggregating $483,685.41 for neglect of duty in failing to render service in the militia during the war of 1812 (12 American State papers, vol. 2, Military Affairs, pp. 314–319), to which should be added $15,377 subsequently reported as collected in Virginia. An incomplete report of the expenses of the courts-martial convened for the purpose of imposing fines for the year above mentioned shows that $97,194.14 were disbursed on that account during that period. In New York the fines collected amount to $243,609.41 and the cost of collection was $55,428.49, about 20 per cent. In Pennsylvania $15,377 was collected, at a cost of $41,531.77. Regarded, therefore, as a practicable method of enforcing obedience to the President's orders calling forth the militia, this portion of the enactment must be looked upon as a complete failure.

This section, in the opinion of your committee, replaces sections 1649, 1659, and 1660 of the Revised Statutes, which provide:

"SEC. 1649. Every officer, noncommissioned officer, or private of the militia who fails to obey the orders of the President when he calls out the militia into the actual service of the United States shall forfeit of his pay a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months; and such noncommissioned officer and private shall be liable to imprisonment, by a like sentence, on failure to pay the fines adjudged against him, for one calendar month for every twenty-five dollars of such fine.

"SEC. 1659. All fines assessed under the provisions of law concerning the militia or volunteer corps when called into the actual service of the United States shall be certified by the presiding officer of the court-martial before whom they are assessed to the marshal of the district in which the delinquent resides, or to one of his deputies, and to the Comptroller of the Treasury, who shall record the certificate in a book to be kept for that purpose. The marshal or his deputy shall forthwith proceed to levy the fines, with costs, by distress and sale of the goods and chattels of the delinquent, which cost and manner of proceeding with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same may be in other cases of distress. And where any noncommissioned officer or private is adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the fines, the marshal of the district or his deputy shall commit such delinquent to jail, during the term for which he is so adjudged to imprisonment or until the fine is paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

"SEC. 1660. That the marshal shall pay all fines collected by him or his deputy under the authority of the preceding section into the Treasury of the United States within two months after he has received the same, deducting five per centum for his compensation; and in case of failure it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed against the marshal in the district court, by attachment, for the recovery of the same."

The experience of the United States for nearly three-quarters of a century has been that in an ordinary emergency of war neither inducements nor penalties are necessary in order to induce or compel citizens to perform the duty required of them as members of the militia forces in time of public danger. As the remedy for a failure to respond to the call of the President as prescribed in the sections above cited failed completely upon the only occasion in our history in which it was resorted to, your committee can not do otherwise than to recommend its repeal.

"SEC. 8. That courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers only; but such officers need not be residents of the same State or Territory as the accused."

In this section the committee recognizes and continues in operation a rule which has prevailed without interruption since the adoption of the Articles of War by the Continental Congress, in 1776, and which was embodied in its present form in the general militia law of 1792. It has seemed to your committee a wise precaution to embody in the new section a declaration that while such courts shall be composed exclusively of militia officers they shall not of necessity be from the same State as the accused.

"SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States."

This section, which has been reenacted without change, replaces section 1644 of the Revised Statutes, which provides that—

"SEC. 1644. The militia, when called into the actual service of the United States, for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States."

"SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

The provisions of the general militia law in respect to the pay and allowance of the militia when called into the service of the United States are in some respects not only obsolete but inoperative. Your committee has therefore retained the wholesome requirement of section 1650 of the Revised Statutes, which places troops of the militia upon practically the same footing as those of the regular establishment in all matters relating to pay, rations, clothing, travel allowances, and other emoluments. The section recommended for retention reenacts section 1650 and replaces the inoperative provisions of sections 1653 and 1655, which required that—

"SEC. 1653. The officers of all mounted companies in the militia called into the service of the United States shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and forty cents per day shall be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. Each noncommissioned officer, musician, artificer, and private of such mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence when the same is furnished by himself, or twelve and a half cents per day for either, as the case may be.

"SEC. 1655. When the militia in the military service of the United States are employed on the Western frontiers, there shall be allowed two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt in addition to every hundred of their rations.

"SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay and allowances shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing law to be paid after their arrival at such places of rendezvous."

The experience gained from the mobilization of militia forces in 1861 and 1898 shows that the duty of the Federal Government to maintain and support militia which it calls into its service should become operative as to each com-

pany when it assembles at its company rendezvous in obedience to the call of the President, and all expenses subsequently incurred for pay, subsistence, and transportation constitute a proper charge against the Federal Government.

The proposed section replaces sections 1651, 1652, and 1654 of the Revised Statutes, which provide—

"SEC. 12. That the adjutant-general of each State, Territory, and the District of Columbia shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress."

As the office of adjutant-general is created by the State government, this section places that office under the control of the governor and legislature of the State, whose agent he is and to whom he is responsible for the correct performance of the functions imposed upon him by law. In addition to the duties attached to the office by authority of the State, this section contains the provision of existing law which requires returns of strength of the enlisted organized and uniformed active militia to be rendered to the War Department, annually, by that office.

Section 232 of the Revised Statutes requires the Secretary of War to transmit to Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States. In the section as proposed, this return is to accompany the annual report of the Secretary to Congress. This change is believed to be in the direction of promptness in the transaction of public business, and the operation of the enactment will be to cause the report to be rendered about two months earlier than is the case at present.

Section 12 replaces sections 232, 1634, 1635, 1636, and 1640 of the Revised Statutes, which provide that—

"SEC. 232. The Secretary of War shall lay before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States of the militia thereof.

"SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all musters when the commander in chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command, and to make proper abstracts from such returns, and lay the same annually before the commander in chief of the State.

"SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

"SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War from time to time to give such directions to the adjutants-general of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

"SEC. 1640. It shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia composing the several brigades during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and to introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander in chief of the State.

"SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December first, nineteen hundred and one, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms, theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State and Territory and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

"To provide means to carry into effect the provisions of this section the necessary money to cover the cost of or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The requirement of the Constitution which confers upon Congress the power to prescribe the discipline of the militia forces, and vests in the States the right to instruct them in conformity to the system of drill and discipline so prescribed by Congress, has for its purpose to secure substantial uniformity in drill and instruction as between the Army and the militia. That there should be such uniformity in discipline it is absolutely necessary that there should be a corresponding uniformity in armament and equipment. In other words, the systems of drill and target practice for the Army and militia can not be uniform unless the arms and equipments are the same for both forces. This principle was recognized in the act of February 24, 1897 (29 Stats., 592), which authorized the issue of the Springfield breech-loading rifle to the whole body of the militia in exchange for the diverse types of small arms which were then in use by the militia of the several States. A similar exchange is contemplated in this section, and for the same purpose, viz, of introducing uniformity of instruction throughout the constitutional militia establishment. The advantage which will result to the United States in the way of increased efficiency in the militia forces is a sufficient consideration and warrants the exchange being made on the same basis as was prescribed in the legislation of 1897.

"SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement."

stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided."

The permanent annual appropriation which is carried by section 1661 of the Revised Statutes, as amended by the act of June 6, 1900 (31 Stat., 662), now authorizes the issue of ordnance, quartermaster stores, and camp equipage for the use of the militia. It is the purpose of this section to extend these issues so as to include all stores, supplies, or publications which are now or may hereafter be issued or supplied to the Army by any branch of the War Department. The second clause modifies and replaces the authority to sell stores, supplies, etc., to the several States for the use of their militia, which was embodied in section 3 of the act of February 24, 1897 (29 Stat., 592).

"SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous, or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army."

With a view to secure such an amount of training on the part of the States as will be calculated to warrant the expenditure of the public money in support of the militia, this section provides for a certain number of drills and a certain amount of instruction in field service and target practice in the several organizations of the militia in order to entitle them to the benefits of the allotments of funds provided for by section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887 (24 Stat., 401), and June 6, 1900 (31 Stat., 662). It also requires that the work of instruction above provided for shall be verified by appropriate inspections under the authority of the governors of the States and the Secretary of War, representing, respectively, the State and Federal authority.

"SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory."

It is the purpose of this section to still further increase the participation of the War Department in the practical instruction of the militia forces by authorizing the Secretary of War to detail officers of the Army to attend the annual encampments of the State militia, for the purpose of assisting in the instruction of the troops and of reporting the results to the Secretary of War. That the troops undergoing instruction shall receive the full benefit of such participation, it is required that full copies of such reports shall be furnished to the governors of the respective States for the use of the officers of their militia.

"SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War."

In the section last above cited provision was made for the cooperation of officers of the Army in the annual encampments of the militia forces. It is the purpose of this section to provide for an extension of such cooperation during the armory drill season by authorizing the detail of officers of the Army for

vious service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty, or as colonel after he shall have passed the age of fifty-five: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body and the officers of which are appointed by the governor of a State or Territory."

It has been attempted in this section to provide for the preparation of a register of persons whose capacity to exercise command in the line or to perform staff duties has been proved by the test of actual military service. To entitle an individual to register he must have served in the regular or volunteer forces, or in the organized militia of a State or Territory, or must have graduated from the war college or from one of the regular service schools, or from a college or military school maintained in part by a grant of lands from the United States, at which an officer of the Army or Navy has been detailed as superintendent or as professor of military science, in pursuance of the authority conferred by sections 1225 and 1260 of the Revised Statutes, as amended by the act of November 2, 1893 (27/7).

To ascertain the capacity of such candidates for registration as have conformed to the conditions above set forth in respect to military or academic training, it is provided that boards of examination shall be convened from time to time by the Secretary of War, before which the candidates will be permitted to appear with a view to determine their fitness for registration. The examinations prescribed in the section are intended and required to be so conducted as to ascertain and test the practical capacity of the candidate for the performance of duty as a commissioned officer. To still further restrict the theoretical tendency of the examinations herein contemplated, it is expressly required that the record of service of the applicant shall be considered a part of the examination. A rigid physical examination is also provided for. Having regard to the practical efficiency and military capacity of the applicant as thus determined, the board is required to certify its opinion as to the office which he is qualified to fill in the military service, and upon approval of such certification by the President the applicant's name is to be recorded at the War Department in a register kept for that purpose.

Persons so registered become entitled, in consequence of such registration, to membership in a class from which appointments are required to be made in any volunteer force which may hereafter be raised by authority of Congress, save in an organization of the active militia which volunteers in a body or the officers of which are appointed by the governor of a State. Certain age limitations are imposed, the operation of which will be to remove from the register the names of persons recommended for appointment upon reaching the ages assigned to their respective grades of rank in the military service. An equitable distribution of appointments upon a territorial basis is also provided for.

"SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to enroll not exceeding one hundred thousand men, who shall have served in the Regular or Volunteer Armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of

the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment, and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army; but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section six of the act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April twenty-second, eighteen hundred and ninety-eight, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section twelve of the act entitled 'An act for increasing the efficiency of the Army of the United States, and for other purposes,' approved March second, eighteen hundred and ninety-nine.

"[Act of 1898, ch. 187, Fifty-fifth Congress, second session.]

"SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under and shall be subject to the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body as such company, troop, battery, battalion, or regiment the regimental, company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall, when so appointed, be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications, from the nation at large, not to exceed three thousand men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

"[Act of 1899, ch. 352, Fifty-fifth Congress, third session.]

SEC. 12. That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army at a strength of not exceeding sixty-five thousand enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each, and raise a force of not more than thirty-five thousand volunteers, to be recruited as he may determine from the country at large, or from the localities where their services are needed, without restriction as to citizenship or educational qualifications, and to organize the same into not more than twenty-seven regiments organized as are infantry regiments of war strength in the Regular Army, and three regiments to be composed of men of special qualifications in horsemanship and marksmanship, to be organized as cavalry for service mounted or dismounted: *Provided*, That each regiment shall have one surgeon with the rank of major; two assistant surgeons, one of whom shall have the rank of captain and one that of first lieutenant, and three hospital stewards: *Provided further*, That such increased regular and volunteer force shall

continue in service only during the necessity therefor, and not later than July first, nineteen hundred and one.

"*Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time."

It is a defect of the voluntary system by means of which the military establishment of the United States is habitually maintained in time of peace that no provision has been made to retain the services of its discharged soldiers in some organization of volunteer reserves. It is therefore proposed in this section to keep in touch with and, in case of emergency, to utilize the services of men who have received a military training, either in the Regular or Volunteer Army or in the organized militia. To entitle an individual to enrollment in the reserve force created by this section, he must have served at least one enlistment in the regular or volunteer establishment or a corresponding term in the organized militia of a State or Territory.

With a view to verify the enrollment and provide for an occasional brief course of training and instruction, it is proposed to embody the reserve forces provided for in this section and to assemble or mobilize them from time to time as funds for that purpose are provided by Congress. In the event of war, if the volunteer forces authorized by Congress exceed in strength the regiments, battalions, troops, or other commands of organized militia who shall enlist in bodies, in pursuance of section 6, act of April 22, 1898, the reserve forces herein provided for may be accepted by the President in organizations conforming to the requirements of section 12 of the act of March 2, 1899.

"SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April twenty-second, eighteen hundred and ninety-eight, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of eighteen and forty-five years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

"SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches, which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

"SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

"SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for the term of two years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

"SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia and the Indian Territory in proportion to their population. And any company, troop, battalion or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War.

"SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be

subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governor of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment, the regimental, company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications, from the nation at large, not to exceed three thousand men, under such rules and regulations, including the appointment of the officers therefor, as may be prescribed by the Secretary of War.

"SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into the service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

"SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department. And regimental and all other medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick, or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, with the Record and Pension Office as provided herein, for other reports, returns, and muster rolls.

"SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

"SEC. 10. That the staff of the commander of an army corps shall consist of one assistant adjutant-general, one chief engineer, one inspector-general, one chief quartermaster, one chief commissary of subsistence, one judge-advocate, and one chief surgeon, who shall have, respectively, the rank of lieutenant-colonel; one assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of one assistant adjutant-general, one engineer officer, one inspector-general, one chief quartermaster, one chief commissary of subsistence, and one chief surgeon, who shall have, respectively, the rank of major, and the aids-de-camp authorized by law. The staff of a commander of a brigade shall consist of one assistant adjutant-general, one assistant quartermaster, and one commissary of subsistence, each with the rank of captain, one surgeon, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States: *Provided*, That when relieved from such staff service said appointments or assignments shall terminate.

"SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

"SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

"SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time.

"SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

"SEC. 15. That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

"SEC. 26. That sections 1625 to 1660, both included, of title 16 of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

"SEC. 27. That this act shall take effect upon the date of its approval."

The foregoing report accompanies House bill 11654, "to promote the efficiency of the militia, and for other purposes," and aims to set forth the objects and purposes of the bill, explains its several sections in detail, and gives an historical résumé of Federal legislation on the subject of the militia. Arguments and historical data are presented showing the necessity for a well organized, equipped, and disciplined militia. Congress has never yet exercised, in time of peace, its constitutional authority to organize, equiq, and discipline the militia. The time now seems ripe for such action. Public sentiment demands some efficient and modern legislation on the subject. The Executive is interested and friendly. The War Department is anxious to assist in improving the condition of the country's militia.

The bill, in the final form in which it is presented, has the approval of the Secretary of War, as appears from his letter printed above. It has the support of the organized militia of the country, as expressed in numeous letters received by many members of Congress, and its provisions, so far as then agreed upon, were approved by the Interstate National Guard Association at its last meeting in this city. Furthermore, it is the unanimous report of the Committee on Militia.

CHARLES DICK,
Chairman Committee on Militia.

[PUBLIC—No. 33.]

AN ACT To promote the efficiency of the militia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia.

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: *Provided*, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States, within five years from the date of the approval of this act: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *And provided further*, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the act of May eighth, seventeen hundred and ninety-two, which by the laws, customs, or usages of the said States have been in continuous existence since the passage of said act under its provisions and under the provisions of section two hundred and thirty-two and sections six hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

SEC. 4. Whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the *other* forces at his command, to execute the laws of the Union *in any part thereof*, it shall be lawful for the President to call forth, *for a period not exceeding nine months*, such a number of the militia of *any* State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 5. Whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, *not exceeding nine months*, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

SEC. 6. When the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

SEC. 7. Every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

SEC. 8. Courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

SEC. 9. The militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

SEC. 10. The militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

SEC. 11. When the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

SEC. 12. There shall be appointed in each State and Territory and the District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. The Secretary of War shall, with his annual report, transmit to Congress an abstract of the returns and reports of the adjutants-general of

seventeen hundred and ninety-two, which, by the laws, customs, or usages of the said States, have been in continuous existence since the passage of said act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia."

"SEC. 4. *That* whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the *regular* forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of *the* State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper."

"SEC. 5. *That* whenever the President calls forth the *organized* militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, *either within or without the territory of the United States*, unless sooner *relieved* by order of the President: *Provided, That no commissioned officer or enlisted man of the organized militia shall be held to service beyond the term of his existing commission or enlistment: Provided further, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the reguar forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise.*"

"SEC. 7. *That* every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, *shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself *for such muster*, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct."

"SEC. 8. *That the majority membership of* courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers."

"SEC. 11. *That* when the militia is called into the actual service of the United States, or any portion of the militia is *called forth* under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous."

the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December first, nineteen hundred and one, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms, theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper account-

SEC. 13. That the Secretary of War is hereby authorized to *procure by purchase or manufacture and issue from time to time to the organized militia, under such regulations as he may prescribe,* such *number of the United States service arms, together with all accessories and such other accouterments, equipments; uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the organized militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this act, without charging the cost or value thereof, or* any expense connected therewith, against the allotment *of* said State, Territory, or *the* District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms *heretofore* issued to said State, Territory, or *the* District *of Columbia* by the United States: *Provided,* That said *property shall remain the property of the United States, except as hereinafter provided,* and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and *the* District *of Columbia* shall, on receipt of new arms *or equipments,* turn in to the *War Department, or otherwise dispose of in accordance with the directions of the Secretary of War,* without receiving any money credit therefor and without expense for transportation, all United States *property so replaced or condemned. When the organized militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the organized militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowances, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from his returns each year as expended clothing corresponding in value to such allowance. The Secretary of War is hereby further authorized to issue from time to time to the organized militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of fifty per centum of the corresponding Regular Army allowance, without charge to the State's allotment from the appropriation under section sixteen hundred and sixty-one, Revised Statutes, as amended.* To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of *procuring,* exchanging, or issuing *of* arms, accouterments, equipments, *uniforms, clothing, equipage,* ammunition, *and military stores* to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars ($2,000,000) in any fiscal year: Provided also, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.*"

ing officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.

SEC. 15. The Secretary of War is authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof, *or of the District of Columbia*, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army; all of which shall be paid solely from the sums appropriated for such purposes, and no part thereof shall be paid from sums appropriated for the support of the Regular Army.

SEC. 16. Whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, *he* shall receive from the annual appropriation for the support of the Army the same travel allowances, and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority; and shall also receive commutation of subsistence at the rate of one dollar per day while in actual attendance upon the course of instruction.

SEC. 17. That the annual appropriation made by section sixteen hundred and sixty-one, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

"SEC. 15. *That* the Secretary of War is authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part *of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State, Territory, or District of Columbia, while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia, but all payments to the militia under the provisions of this section and all allowances for mileage shall be made solely from the sums appropriated for such purposes: Provided, That the command of such military post or camp and the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity; Provided further, That except as herein specified the right to command during such joint encampments, maneuvers, and field instruction shall be governed by the rules set out in articles one hundred and twenty-two and one hundred and twenty-four of the rules and articles for the government of the armies of the United States. The sums appropriated for the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall forward to Congress, at each session next after said encampment, a detailed statement of the expenses of such encampments and maneuvers.*"

SEC. 16. *That* whenever any officer *or enlisted man* of the organized militia upon *the* recommendation of the governor of any State, Territory, or *the commanding* general *of* the District of Columbia *militia*, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, *such officer or enlisted man* shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer *or enlisted man* of the Regular Army would be entitled *for* attending such school or college under orders from proper military authority; *such officer* shall also receive commutation and subsistence at the rate of one dollar per day *and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army* while in actual attendance upon *a* course of instruction."

SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

SEC. 22. That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States, he shall be entitled to all the benefits of the pension laws exising at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at such [illegible] and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in any of the organized militia of any State or Territory or District of Columbia, or in the organized militia, or citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating to office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons

"SEC. 20. That upon *the* application of the governor of any State or Territory furnished with material of war under the provisions of this act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers *or enlisted men* of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. *The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.*

"*The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia.*"

so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy at West Point and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty, or as colonel after he shall have passed the age of fifty-five: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight.

SEC. 25. That sections sixteen hundred and twenty-five to sixteen hundred and sixty, both included, of title sixteen of the Revised Satutes, and section two hundred and thirty-two thereof, relating to the militia, are hereby repealed.

SEC. 26. That this act shall take effect upon the date of its approval.

Approved, January 21, 1903.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1068.

FOR THE ORGANIZATION OF THE MILITIA IN THE DISTRICT OF COLUMBIA.

FEBRUARY 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEENERSON, from the Committee on Militia, submitted the following

REPORT.

[To accompany H. R. 7545.]

The Committee on Militia, to whom was referred the bill (H. R. 7545) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, report the same back with the following amendments:

Page 2, line 17, after the words "United States," insert "or the organized militia."

Page 8, line 19, strike out the word "will" and insert in lieu thereof "shall."

Page 8, line 20, strike out the word "are" and insert in lieu thereof "shall be."

Page 8, line 22, strike out the word "are" and insert in lieu thereof "shall be."

Page 11, line 5, strike out the word "will" and insert in lieu thereof "shall."

Page 11, line 12, strike out the word "will" and insert in lieu thereof "shall."

Page 12, line 8, insert a semicolon after the word "retired," and strike out the comma after the word "rank," so as to read, "be retired; with or without increase of rank in the discretion of the President of the United States."

Page 13, line 3, insert, after the word "time," the following, "recommend to the President of the United States and the President may."

Page 15, line 5, strike out all of section 28a and insert in lieu thereof the following:

SEC. 28a. That an enlisted man be discharged without honor at any time by order of the commanding general on account of his being continuously absent without leave from his command for a period of not less than three months.

Page 15, line 15, between lines 15 and 16, insert the following:

SEC. 29. That an enlisted man be dishonorably discharged by order of the commanding general to carry out the sentence of a court-martial.

And recommend that the bill as amended do pass.

The act of January 21, 1903, to promote the efficiency of the Militia, generally known as the "Dick law," provides that the organization, armament and discipline of the organized militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the regular and volunteer armies of the United States, and in order to comply with this requirement this proposed law becomes necessary.

This measure originates with the National Guard of the District, and was originally prepared by a committee of officers including the judge-advocate-general of the District Militia, and the Judge-Advocate-General of the United States Army.

Your committee held several meetings at which the bill was carefully considered section by section. Gen. George H. Harries and Maj. Lloyd M. Brett, adjutant-general of the District Militia, and Gen. George B. Davis, Judge-Advocate-General of the United States Army appeared and were heard with reference to the various provisions and after such consideration the above amendments were agreed upon.

In this matter Congress simply acts as a local legislature, and we are by this proposed law only doing what the legislature of the various States and Territories have done or will have to do in order to secure the conformity required by the law referred to.

The District militia has been for several years ready and willing to do what may be required on their part to accomplish this conformity, and it is hoped that this result will not much longer be delayed for want of action on the part of Congress.

The bill carries no appropriation.

The report of the War Department on this bill is printed herewith for the information of the House.

WAR DEPARTMENT,
Washington, January 22, 1908.

SIR: I beg leave to acknowledge the receipt of your letter of the 4th instant, and to submit the following remarks in respect to the operation of House bill 7545:

The existing militia law of the District ot Columbia will be found in the act of March 1, 1889 (25 Stat. L., 772, pars. 1707 to 1776 of the Military Laws). The first nine sections of the bill cover the enrollment of the District Militia, corresponding to the enrollment in the States, and also contain certain exemptions from enrollment which are peculiarly applicable to the District of Columbia (section 2). The Commissioners of the District are required in section 3 to provide for the general enrollment, and in section 4 it is provided that the enrolled militia, as distinguished from the organized militia, is to be subject to no duty, except when called into the service of the United States or to aid the civil authorities in the execution of the laws or in the suppression of riots. In section 5 a method of calling out the enrolled militia is provided for. Sections 6 to 9, together with the act of June 6, 1900 (31 Stat. L., 67), provide for the command of the militia and for the staff of the commanding general.

These nine sections contain certain general requirements which fully cover the subjects above referred to and seem to stand in need of no amendment or reenactment.

The remaining sections of the bill are calculated to remove some difficulties which have been encountered from time to time in the execution of the existing statute, and to bring the enactment into harmony with the requirements of the general militia

law. These purposes seem to have been fully accomplished in House bill 7545, which is inclosed in your letter of the 4th instant.

Section 10 of the proposed bill provides for the organized militia and continues the designation of "The National Guard of the District of Columbia," which was given it in the act of 1889.

Section 11: This section provides for the establishment of the organized militia, including the several branches of the line and staff. It also contains an important requirement, which authorizes the President to make from time to time such slight changes in organization and composition as are necessary to make the organization of the District Militia conform to that prescribed by law for the Regular Army.

Section 12: In this section the detailed organization of the several staff departments is provided for, including the personnel of the Signal Corps and the Coast Artillery, which is provided with a four-company organization under the command of a major.

Section 13: In section 13 the organized strength of a company, battalion, and regiment of infantry is provided for, together with that for a troop of cavalry.

Section 17: This section fixes the minimum strength for the battery of Field Artillery.

Section 17a: This section contains a requirement vesting in the President authority, in time of peace, to fix the minimum enlisted strength of the several company organizations that are provided for in the bill.

Section 18: Section 18 of the original act is not amended; it is an important one, and makes provision for the disbandment of companies which fall below the established minimum strength.

Section 19: This section provides that all officers shall be commissioned by the President on the recommendation of the commanding general.

Section 20: This section provides for the regimental and battalion staffs of the infantry regiments; the section following (sec. 21) vests the nomination of staff officers in the commanding general, subject to the examination required by law.

Section 22: This section contains an important requirement and provides that vacancies now existing or hereafter occurring in organizations of the line shall be filled by promotion, according to seniority, subject to the examination required by law. In section 22a provision is made for appointments to the grade of second lieutenant, which are properly restricted to enlisted men of the National Guard, under such regulations as the commanding general may prescribe and subject to the examination required by law.

Section 23: This section supplements those immediately preceding, and vests in the commanding general authority to prescribe a system of examinations for appointment and promotion; it also provides for a physical examination. It is drawn along the lines of the statute governing promotions in the Regular Army. Section 23a supplements this section by extending its requirements to enlisted men by a clause of legislation which authorizes the commanding general to prescribe a system of examinations for enlisted men, with a view to determine their fitness for advancement to the grade of second lieutenant.

Section 23b: This section is calculated to apply to a case of inefficiency and authorizes the examination of any officer of the militia who, in the opinion of the commanding general, has become incapacitated for the performance of his duty.

Section 23c: This section provides for a retired list after continuous service for ten years as a commissioned officer. It prescribes compulsory retirement at the age of 64, and covers the duties which retired officers may be detailed to perform.

Section 25: In this clause the appointment of noncommissioned officers is properly vested in regimental and battalion commanders, and in the commanders of troops, batteries, and companies which do not form a part of higher units of organization. The power to appoint involves the power to reduce.

Section 28: This is a substantial reenactment of the old section, and contains the cases in which a discharge may be granted to an enlisted man before the expiration of his term of enlistment.

Section 28a: This is supplementary, and is intended to be read in connection with the requirements of the original act governing the accountability and responsibility for public property. It prescribes the method in which an officer may be relieved of responsibility, and also the method for recovering the cost of property lost, due to carelessness and otherwise, from the pay of the responsible party.

Sections 35, 35a, 35b, 35c, and 35d fix the responsibility of an officer who is about to sever his connection with the National Guard.

Section 49a: This section establishes a rate of pay in excess of that allowed to enlisted men of the Regular Army, where detachments of the National Guard are ordered to duty in case of riot, tumult, or breach of the peace. This is entirely

proper and corresponds to similar legislation of the several States in respect to the pay and allowances of their organized militia. It contains a proviso that when any portion of the National Guard is called into the actual service of the United States, the officers and enlisted men shall receive the same rates of pay which are provided for corresponding grades in the Regular Army.

Sections 50 and 50a: These sections supplement the existing court-martial procedure, and provide for courts of inquiry.

In sections 54a, 54b, 54c, 54d, 54e, and 54f the constitution and jurisdiction of courts-martial are provided for, together with the enforcement and collection of fines or penalties imposed by such tribunals in the exercise of their jurisdiction.

Section 64: This section provides for a reserve corps, to be made up of honorably discharged officers and men of the Army, Navy, and Marine Corps, and of the organized militia of any State or Territory, who are residents of the District, together with honorably discharged members of the National Guard of the District of Columbia.

Section 64a: This section exempts officers and enlisted men of the National Guard from jury duty.

Section 65: In this section a rule of interpretation is applied to the words State or Territory as used in the act of January 21, 1903, and makes the sections containing those words fully applicable to the organized militia of the District of Columbia.

Section 66: This section contains the usual saving clause in respect to the existing dates of commission of commissioned officers of the National Guard of the District of Columbia.

I return House bill 7545 herewith, and remain,

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Hon. HALVOR STEENERSON,
Committee on Militia, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1070.

TO AMEND SECTION 4 OF AN ACT TO PREVENT UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

FEBRUARY 25, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. PRAY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3941.]

The Committee on the Public Lands, to whom was referred the bill (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," have had the same under consideration. The report of the Committee on Public Lands of the Senate, hereto appended, is adopted and the passage of said bill without amendment is recommended.

The Senate report is as follows:

The Committee on Public Lands, having had under consideration Senate bill No. 3941, report the same back with the recommendation that it pass without amendment.

The sole purpose of the proposed amendment to the present law is to make the punishment of fine and imprisonment disjunctive instead of conjunctive.

Its enactment into law will give the trial judge more discretion in the matter of punishment than is possible under the present law. The great disparity in the degrees of offenses makes this proposed amendment particularly desirable.

It is approved by the honorable Secretary of the Interior, as set forth in his letter attached hereto.

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1908.

SIR: I am in receipt of your request for an expression of opinion and report on Senate bill No. 3941, entitled "A bill to amend section 4 of the act entitled 'An act to prevent unlawful occupancy of public land,' approved February 25, 1885."

The section referred to reads as follows:

"That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise, or assist in the violation thereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars and by imprisonment not exceeding one year for each offense."

The proposed amendment consists in the substitution of the word "or" in line 11 for the word "and" in the present law, and the addition of the words "or both"

after the word "year" in line 12, and the only effect of the amendment will be to authorize a punishment by either a fine or imprisonment, or both, instead of compelling a punishment of both a fine and imprisonment, as is now prescribed by the statute.

This Department knows of no objection to urge to the proposed amendment.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1071.

EXTENSION OF TIME WITHIN WHICH HOMESTEAD SETTLERS MAY ESTABLISH RESIDENCE WITHIN HUNTLEY IRRIGATION PROJECT IN MONTANA.

FEBRUARY 25, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. PRAY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14043.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project in the county of Yellowstone, State of Montana, have had the same under consideration and recommend that said bill do pass without amendment.

The purpose of said bill is to extend the time for establishment of residence by homestead entrymen, which otherwise would expire within the winter months. If enacted into law, it will afford entrymen much-needed relief and will prevent a forfeiture of their rights.

The letter of the honorable Secretary of the Interior approving said bill is hereto appended.

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1908.

SIR: I am in receipt of your letter of January 21, 1908, inclosing for report a copy of H. R. 14043, a bill to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project.

The Huntley project embraces lands within the former Crow Indian Reservation which were thrown open to entry July 22, 1907, under Presidential proclamation of May 21, 1907. The bill proposes to grant to the entrymen on these lands an extension of time to May 15, 1908, to establish their residence upon said lands.

Congress has granted similar relief in the past to entrymen within the former Rosebud and Crow Indian reservations. See act of February 7, 1905 (33 Stat., 700), and act of January 8, 1907 (34 Stat., 843).

The bill, if enacted, will relieve the entrymen in question of the necessity of estab lishing residence upon their entries within the winter months.

The said bill meets with the approval of this Department, and no obje 1908. offered to its enactment into law.

Very respectfully, JAMES RUDOLPH GA time for com- act of Congress of nt in the borough of est Brownsville, Wash-

Hon. F. W. MONDELL,
Chairman Public Lands Committee, United States Senate.

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The original act makes ample provision for the protection of navigation interests, and, so far as those interests are concerned, I see no objection to the extension of the time for building the structure as proposed in the bill under consideration.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 21, 1908.*

Respectfully returned to the chairman, Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1075.

COURT OF CLAIMS TO HAVE JURISDICTION OF CLAIMS FOR CAPTURED AND ABANDONED PROPERTY SOLD, ETC.

FEBRUARY 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LAW, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 16732.]

The Committee on War Claims have considered the bill (H. R. 16732) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, and submits the following report and recommends that said bill do pass:

By the act of March 12, 1863, known as the captured and abandoned property act, and acts amendatory thereof, the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States then in insurrection, the proceeds thereof to be paid into the Treasury of the United States. The act provided that the property to be collected under it—

shall not include any kind or description which has been used, or which has been intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war.

Nine districts were established, and an agent appointed for each. A large amount of property in the States in insurrection was seized and the proceeds, amounting to over $30,000,000, reported to the Secretary of the Treasury. The money was treated as a trust fund under the control of the Secretary. Under joint resolution approved March 30, 1868, it was provided that all moneys derived from the sale of captured and abandoned property "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States." The balance covered into the Treasury under this resolution was $20,971,790.96.

The third section of the act of March 12, 1863, provided as follows:

Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, *and that he has never given any aid or comfort to the present rebellion*, to

receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof. (12 Stat. L., 820.)

Under this provision a considerable number of claims were preferred to the Court of Claims and judgments recovered.

The following is believed to be a substantially correct statement of the payments that have been made from the amount covered into the Treasury under the said resolution of March 30, 1868:

On judgments under act of March 12, 1863	$9,852,956.95
On judgments against Treasury agents	65,276.79
Disbursed for expenses under joint resolution of March 30, 1868	242,140.34
Paid on special acts of relief	451,125.38
Paid by Secretary of Treasury under act of May 18, 1872	195,896.21
On judgment Court of Claims, Duffy, Report C. C., 24275	15,270.00
Under private act, 25 Stat., p. 1310	32,669.20
Under private act to Briggs, paid March 24, 1894	88,104.21
Total	10,943,439.08

Deducting the above amount from the amount covered into the Treasury under the resolution of March 30, 1868, it will be seen that the sum now in the Treasury, and undisposed of, is $10,028,351.88.

The sole purpose of this bill is to extend the limitation upon the jurisdiction of the Court of Claims for a period of two years to entertain suits to recover the proceeds of the property of claimants where it can be established that such proceeds were actually covered into the Treasury of the United States under the act of March 12, 1863, and the acts amendatory thereof, and at the same time to safeguard every right and proper interest of the Government. This money does not belong to the Government. Proper legislation should be enacted with a view to distributing same to its owners.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not till 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, *was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.*

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, *and for those whom it should thereafter recognize as entitled.*"

And in its opinion the court uses this language:

That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, *though then hostile, might subsequently become loyal* appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. *The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon.* * * *

The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. "Pardon and restoration of political rights" were "in return" for the oath and its fulfillment.

And then the court adds this strong language:

To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom.

And in the prior case of the United States *v.* Padelford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for

all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds in trust, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—*parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement.* It requires no argument to prove that a right may exist where there is no remedy for its enforcement; and this was, and is to-day, the precise predicament of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived; and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under

of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections 1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitation in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticise further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the law-making power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested, if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than thirty years the Government has had the use of this money.

For more than forty years the claimants have been appealing to Congress for relief, and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has

proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (House Report No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (Senate Report No. 1634).

The same in the Fifty-seventh Congress, first session (Senate Report No. 1292).

The same in the Fifty-eighth Congress, second session (Senate Report No. 1861).

The same in the Fifty-ninth Congress, first session (Senate Report No. 3290).

The same in the Fifty-ninth Congress, second session (House Report No. 7540 from the Committee on War Claims, on H. R. No. 25400).

Your committee report back the bill and recommend its passage.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1077.

TRANSFER OF LIGHT-HOUSE RESERVATION AT FORT HOWARD, MD.

FEBRUARY 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 17991.]

The Committee on Military Affairs, to whom was referred House Document No. 461 for the tranfer of light-house reservation at Fort Howard, Md., after having considered the same report herewith H. R. 17991 and recommend its passage.

The reason for this legislation is fully set in said House Document No. 461, which is hereto attached and made a part of this report.

[House Document No. 461, Sixtieth Congress, first session.]

WAR DEPARTMENT,
Washington, January 6, 1908.

SIR: I have the honor to transmit herewith the draft of a clause of legislation authorizing the exchange of the present light-house reservation at Fort Howard, Md., for a suitable site for the light-keeper's dwelling and appurtenant buildings upon the military reservation and the removal of these buildings by the War Department to such site. I also recommend that the same be embodied in an appropriate act of legislation.

It appears from the records of the War Department that during the Spanish-American war the larger portion of the light-house reservation was occupied for defensive purposes and that batteries were constructed thereon in close proximity to the light-keeper's dwelling.

It becomes desirable, therefore, to have the light-house reservation transferred to the War Department and to remove the light-keeper's dwelling and appurtenant buildings to a new location on the military reservation, where they will be less subject to shocks from gun fire. Under date of August 26, 1907, the commanding officer, Fort Howard, Md., reports that such action will conduce to the comfort of the occupants of the light-keeper's dwelling, and to the security of the same from shock when the guns in close proximity thereto are fired; that the nearest gun (a 6-inch rifle) is less than 100 feet from this house.

A site has been selected for the light-keeper's dwelling and appurtenant buildings about 900 feet northwesterly from their present location, and the Department of

Commerce and Labor is willing to make the exchange which is desired, provided the War Department removes the present buildings to the new site and puts them in proper condition for use.

The cost of the proposed work is estimated at about $3,900 and the draft of item for authorizing the same provides that the cost shall not exceed $4,000.

Very respectfully,

WM. H. TAFT, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Draft of item for insertion in either the sundry civil bill or in the fortification bill.

That the Secretary of Commerce and Labor is hereby authorized and directed to transfer to the War Department for the purposes of the public defense the present light-house reservation adjoining the military reservation of Fort Howard, at North Point, in Baltimore County, Maryland, in exchange for a suitable and sufficient portion of said military reservation, to be agreed upon between the said Secretary of Commerce and Labor and the Secretary of War; which said portion of the military reservation, together with the necessary right of way to permit of access to the same, the Secretary of War is hereby authorized and directed to transfer to the Department of Commerce and Labor for light-house purposes; and the Secretary of War is further authorized and directed to remove the light-keeper's dwelling and appurtenant buildings from their present location, and to place and establish them complete and ready for use on the new site to be selected therefor, as herein provided, and to erect new structures in lieu of those which it may be found impracticable to remove, in accordance with plans and details to be mutually agreed upon by the said Secretaries; the cost thereof, not exceeding four thousand dollars, to be defrayed from funds appropriated for barracks and quarters for the Artillery.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1078.

EXCHANGE OF LANDS IN CROW CREEK NATIONAL FOREST.

FEBRUARY 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5155.]

The Committee on Military Affairs, to whom was referred the bill (S. 5155) authorizing the exchange of lands for the enlargement of maneuvering grounds, report the same back to the House with the recommendation that it do pass.

This bill passed the Senate February 13, 1908, and as the matter was fully considered by the Senate committee and a report thereon printed, the same is hereto attached and made a part of this report.

[Senate Report No. 215, Sixtieth Congress, first session.]

The Committee on Public Lands, which has had under consideration the bill S. 5155, reports the same back favorably and recommends that it be passed with the following amendment: After the word "entry," in line 13, insert the words, "within the State of Wyoming."

A little over forty years ago the military post of Fort D. A. Russell was located in what is now the State of Wyoming, and about the same time the city of Cheyenne, on the Union Pacific Railway, was laid out and its settlement commenced. The post and city are about 3 miles apart, and both are located near the banks of Crow Creek, which flows from northwest to southeast, first, through the military post and its reservation (containing about 7,000 acres), and then through the city of Cheyenne immediately adjoining such reservation. For a time the water was hauled in wagons from Crow Creek for both military post and city; then open ditches were used; later, pipe conduits; still later, reservoirs were built; and more and larger reservoirs are now contemplated.

In 1879 the military authorities, desiring some wood, fencing material, etc., asked that two sections—i. e., sections 20 and 30, township 15 north, range 71 west of the sixth principal meridian—be reserved from settlement as a wood and timber reserve, and in 1880 they made another request that sections 28 and 32, in the same township and range, be reserved for the same purpose (these four sections being within and located almost in the center of the tract hereinafter referred to), as per the following:

WAR DEPARTMENT,
Washington City, November 1, 1879.

SIR: Upon recommendation of the commanding general Department of the Platte, concurred in by the General of the Army, I have the honor to request that the following described lands may be duly declared and set apart by the Executive as a

wood and timber reservation for the use of the military posts of Forts Sanders and D. A. Russell and for Cheyenne Depot, Wyoming Territory, viz:

Sections 20 and 30, township 15 north, range 71 west of the sixth principal meridian being in the Territory of Wyoming.

The General Land Office reports that the lands in question are vacant and unappropriated and that no objection is known to their reservation as proposed.

A plot of the proposed reservation is herewith inclosed.

I have the honor to be, sir, with great respect,

Your obedient servant,

(Signed) GEO. W. MCCRARY,
Secretary of War.

[Indorsements.]

WASHINGTON CITY, *November 1, 1879.*

Secretary of War requests that certain described lands may be duly declared and set apart by the Executive as a military wood and timber reservation for use of the posts of Fort Sanders and D. A. Russell and for Cheyenne depot, Wyoming Territory.

Incloses plot of proposed reservation.

EXECUTIVE MANSION, *Washington, November 4, 1879.*

The within request is approved and the reservation is made and proclaimed accordingly.

The Secretary of the Interior will cause the same to be noted in the General Land Office.

R. B. HAYES.

WAR DEPARTMENT,
Washington City, February 24, 1880.

To the President.

SIR: Upon recommendation of the commanding general, Department of the Platte, concurred in by the General of the Army, I have the honor to request that the wood and timber reservation for the use of Forts Sanders and D. A. Russell, and for Cheyenne Depot, Wyoming Territory, declared by Executive order dated November 4, 1879, be enlarged by the addition of two adjacent sections of public land, viz:

Sections 28 and 32 of township 15 north, range 71 west of the sixth principal meridian in Wyoming.

A tracing of the official land survey plot of the township, showing the existing reservation and the proposed enlargement, is inclosed and the Interior Department reports that the lands which it is proposed to add to the reservation are vacant and unappropriated and that no objection is known there to their reservation.

I have the honor to be, sir, with great respect,

Your obedient servant,

(Signed) ALEX. RAMSEY, *Secretary of War.*

[Indorsements.]

WAR DEPARTMENT,
February 24, 1880.

Secretary of War requests that the "wood and timber" reservation for the use of Forts Sanders and D. A. Russell and for Cheyenne Depot, Wyoming Territory, declared by Executive order of November 4, 1879, may be *enlarged* by the addition of two adjacent sections of public land, viz:

Section 28 and 32, township 15 north, range 71 west of the sixth principal meridian in Wyoming. Encloses tracing to township plat.

EXECUTIVE MANSION,
Washington, February 25, 1880.

The within request is approved and the enlargement of the reservation is made and proclaimed accordingly.

The Secretary of the Interior will cause the same to be noted in the General Land Office.

(Signed) R. B. HAYES.

Some years afterwards the necessity of protecting the water supply and preventing its pollution was obvious, and both the city and Fort Russell asked the United States Government, through its General Land Office, to reserve from settlement certain

mountainous and hilly lands covering a tract a little less than 10 miles square covering the springs and headwaters of Crow Creek. As the larger portion was within the railroad limits, the odd-numbered sections were railroad lands, and the Government could not exercise control over them, but, nevertheless, upon setting aside the Government lands, the railroad discontinued, for the time being, its sales of lands in that locality.

The city of Cheyenne, through the Wyoming Congressional delegation, applied to the Interior Department some years ago for a survey and reconnoiter of the country, in order to determine the amount of natural water-flow and the area that might be covered with timber, brush, etc., to conserve the water supply. This survey demonstrated the desirability, in fact, the great necessity to the military post of Fort Russell and the city of Cheyenne, of having the area mentioned reserved from settlement and its water supply protected from pollution. There being some timber upon it, application was made in due form, and the President, by proclamation dated October 10, 1900 (submitted herewith), set the land apart as the Crow Creek Forest Reserve.

[United States Statutes at Large, Fifty-sixth Cong., 1899-1901. Vol. 31, page 1981. Oct. 10, 1900.]

[No. 17.]

THE CROW CREEK FOREST RESERVE.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided by section twenty-four of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof;"

And whereas the pub'ic lands in the State of Wyoming, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces or parcels of land lying and being situate in the State of Wyoming and particularly described as follows, to wit:

Beginning at the northeast corner of Township fifteen (15) North, Range seventy-one (71) West, Sixth (6th) Principal Meridian, Wyoming; thence westerly along the township line to the northwest corner of Section three (3), Township fifteen (15) North, Range seventy-two (72) West; thence southerly to the southwest corner of Section thirty-four (34), said township; thence easterly to the southeast corner of said section; thence southerly to the southwest corner of Section eleven (11), Township fourteen (14) North, Range seventy-two (72) West; thence easterly to the southeast corner of Section twelve (12), said township; thence southerly to the southwest corner of Section thirty (30), Township fourteen (14) North, Range seventy-one (71) West; thence easterly to the southeast corner of Section twenty-five (25), said township; thence northerly along the range line to the northeast corner of Township fifteen (15) North, Range seventy-one (71) West, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

The reservation hereby established shall be known as The Crow Creek Forest Reserve.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 10th day of October, in the year of our Lord one thousand nine hundred and of the Independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY.

By the President:
JOHN HAY,
Secretary of State.

Later on, as settlements were made on lands in other localities, the War Department found this reserve the most desirable place for the maneuvers of the Army for troops stationed at Fort D. A. Russell and other posts near by, including, of course, the National Guard.

No objections on the part of the city of Cheyenne were offered to its being made a military reserve, but on the contrary the people of Cheyenne advocated it and therefore, in October, 1903, the War Department applied to have this forest reserve made a military reserve as well, as follows:

WAR DEPARTMENT,
Washington, October 9, 1903.

The PRESIDENT:

By a proclamation dated October 10, 1900, the President, by virtue of the power in him vested by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (26 Stat. L., 1095–1103), reserved from entry or settlement and set apart as a public reservation the following-described lands situate in the State of Wyoming. (Here follows a description of the land as in the original order of the President.)

In this proclamation an exception was made in favor of persons having prior legal claim against any land embraced within the limits of the reservation, and which the proclamation declares "shall be known as the Crow Creek Forest Reserve."

This Department has in contemplation for next year certain maneuvers to be participated in by troops of the Department of the Colorado in conjunction with the organized militia of Colorado, Wyoming, Utah, and, perhaps, Arizona and New Mexico.

The Crow Creek Forest Reserve presents topographical features desirable for these maneuvers, and I have, therefore, the honor to recommend that the lands in question be transferred to this Department as a military reservation. It is understood that the use of the lands for the purposes herein indicated shall not interfere with the object for which the forest reserve was established. Upon this condition the Interior Department is willing that the transfer shall be made.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

and the Interior Department replied as follows:

DEPARTMENT OF THE INTERIOR,
Washington, November 11, 1903.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: I have before me a letter of the 7th instant from the Acting Commissioner in which he has acknowledged the receipt of the order of the President dated October 9, 1903, transferring to the War Department as a military reservation the land within the Crow Creek Forest Reserve, Wyoming, and has stated that the order has been noted on the records of his office and filed as directed.

He has also asked to be informed whether or not it is the intention that the General Land Office shall still continue the services of a forest supervisor whose salary is payable from the appropriation for the protection of forest reserves.

In answer I direct your attention to your report to the Department on August 28, 1903, on a letter from the Secretary of War, wherein you stated that "provided the object for which the forest reserve was established would not be interfered with, this office would have no objection to abolishing the forest reserve and establishing a military reserve instead."

In departmental letter of September 2, 1903, to the Secretary of War, I stated that—

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1079.

TO ESTABLISH TUCUMCARI LAND DISTRICT IN NEW MEXICO.

FEBRUARY 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CRAIG, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 16860.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 16860) to establish a United States land district to be known as the Tucumcari land district, submit the following report:

Your committee report the bill back with the recommendation that it do pass with an amendment to the title by inserting after the word "district," in the first line of the title of the bill, the words "in the Territory of New Mexico."

There is attached hereto and made a part of this report a letter from the Secretary of the Interior, which clearly indicates the conditions existing in the locality in which it is proposed to establish this new land district and the necessity for the same.

The new district proposed is at present a portion of the Clayton land district into which, according to the letter from the Secretary, there has been within the last eighteen months a greater influx of immigration than into any other land district in the United States. The entries for the fiscal year ending June 30, 1906, numbered 3,526, covering 459,597 acres. The entries for the fiscal year ending June 30, 1907, numbered 11,014, covering 1,559,019 acres, and during the first six months of the present fiscal year there were 4,406 entries, covering 595,847 acres. This large amount of business has caused, in the words of the Secretary—

> a great deal of congestion in the land office at Clayton which this office has been unable to relieve to any great extent, though the utmost endeavor has been exerted, and a division of the land district would be a means to that end.

The bill, therefore, has the favorable indorsement of the Interior Department.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1908.

SIR: I have received, by your reference of the 13th instant, H. R. 16860, entitled "A bill to establish a United States land district to be known as the Tucumcari land district," with request that the Committee on the Public Lands be informed as to the necessity for the establishment of the land district in question, and an expression of opinion as to the advisability of the legislation.

The lands embraced in the proposed land district are now included in the Clayton land district in New Mexico, which contained on July 1, 1907, 5,003,845 acres of unappropriated public lands, of which, approximately, 600,000 acres are included in the proposed additional district. It appears from the business transacted in the Clayton land office that there has been within the last eighteen months a greater influx of immigration into that part of New Mexico covered by the Clayton land district than into any other land district in the United States. During the fiscal year ended June 30, 1906, there were 3,526 entries of all classes, covering 469,597 acres, made in the Clayton land office, 11,014, covering 1,559,019 acres, during the fiscal year ended June 30, 1907, and 4,406, covering 596,847 acres, during the first six months of the current fiscal year. Quay County forms the greater part of the proposed district, and 700,000 acres were disposed of to settlers in that county during the last fiscal year. This large amount of business has caused a great deal of congestion in the land office at Clayton which this office has been unable to relieve to any great extent, although the utmost endeavor has been exerted, and a division of the land district would be a means to that end.

Although an entryman can, under existing laws, initiate and complete his entry through the medium of officers other than the register and receiver, it often happens that through necessity or other cause he is compelled to visit the land office. Under present conditions the entryman or settler on lands within the proposed land district would, in the event that he desired to visit the land office, be compelled to travel a long distance by wagon road, or by railroad to Dalhart, in Texas, and thence to Clayton, while the proposed district has two lines of railroad traversing it from the northeast corner in a southwesterly direction through Tucumcari to its western boundary, and from the north boundary to Tucumcari, thus affording ample railroad facilities for the greater part of the district. Attention is also called to the fact that Tucumcari, where it is proposed to locate the land office, is at the geographical center of the district.

In view of the foregoing this Department has no objection to interpose to the bill being enacted into law, but suggests that its title be so amended as to insert after the words "United States land district" the words "in the Territory of New Mexico" in order to insure more definiteness as to location.

A section of the map of New Mexico is herewith transmitted showing the present boundaries of the Clayton land district and those of the proposed district. The proposed bill is herewith returned.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1086.

CUTTING OF TIMBER, ETC., ON INDIAN RESERVATIONS IN WISCONSIN.

FEBRUARY 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MORSE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 4046.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, submit the following report:

The committee has given much attention to this bill. Full hearings have been had and the Department of the Interior has been represented at those hearings. The bill has been amended in several particulars, which are hereafter shown, but the most important particular is the striking out of the provision which provides that the reservations, as designated in this bill, shall be limited only to the Menominee Reservation in the State of Wisconsin; and the provision that it shall be extended to each of the other Indian reservations located in the State of Wisconsin has been omitted. This bill has been favorably reported upon by the Department of the Interior, and the committee, as stated, has given it careful consideration.

There is upon the Menominee Reservation a considerable quantity of pine, which has heretofore been lumbered under what has been known as the "Menominee plan," the Indians cutting the timber in the winter and skidding it upon the banks of the stream, where it was then sold to manufacturers by what is known as the "bank scale." This proved profitable for the Indians, and has given them some work during the winter. However, the timber now has been cut for a distance from the banks of the stream, and further than this the Indians during the summer and fall have had no work. The erection of sawmills and a lumber producing plant upon the reservation will give them work during the entire year, which is an argument in favor of the bill that can not be lightly estimated. Besides this, there are

millions of feet of hard wood upon the reservation which could not be marketed under the old Menominee plan, for the reason that it would not float, and manufacturers would not buy it standing on the reservation with advantage to the Indians.

The cutting of all the timber on the reservation will be done under the supervision of the Forestry Service, and it is believed with such supervision the supply of timber will be made continuous and that the Indians, so long as they retain the reservation, will have not only an income from it, but will become independent so far as their own individual efforts are concerned.

The committee therefore recommends that this bill be passed with the following amendments:

Amend the title so as to read: "To authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forest on the Menominee Indian Reservation in the State of Wisconsin."

Strike out lines 9 and 10 on page 1 and insert in lieu thereof the words "upon the Menominee Indian Reservation, located in the State of Wisconsin."

On page 2, line 3, after the word "sawmills" insert the words "equipment and necessary buildings."

On page 2, in line 7, after the word "sawmills" insert the words "equipment and necessary buildings."

In line 9, page 2, strike out the word "such" and insert in lieu thereof the word "said."

In line 10 strike out the letter "s" in the word "reservations."

In line 12 strike out the letter "s" in the word "reservations."

In line 1, page 3, after the word "shingles" insert the words "poles, posts, bolts, and pulp wood."

In line 6, page 3, before the word "proceeds" insert the word "net."

Strike out, in line 15, page 3, the words "any such" and insert in lieu thereof the word "said."

Line 17, page 3, after the word "sawmills" insert the words "equipment and necessary buildings;" and also after the word "camps" insert the words "logging equipment."

Strike out section 5 and insert in lieu thereof—

When the dead and down timber and such fully matured and ripened green timber as the Forestry Service shall designate shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of the sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of lumber aforesaid.

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statute, it is not possible to print and prepare the patent for issuance so that it can bear date as of a day not later than six months from the time of its allowance.

A strict observance of the section under consideration is therefore impossible, and in order to enable the Patent Office to issue those patents in which the final fee has been paid just before the expiration of the six months, it is necessary to resort to a legal fiction in order to cover the case. It has been the practice in such cases, in order to be within the law, to send a second notice advising the applicant that his case has been reexamined and again allowed. The records show that this device is resorted to in practically 60 per cent of the cases in issue. It means the preparation annually of nearly 20,000 such letters of reexamination and allowance. The new section proposed in the bill will therefore facilitate the work of the Patent Office very materially in this respect.

The new section reads as follows:

SEC. 4885. Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1089.

EXTENSION OF TIME FOR PAYMENTS ON CERTAIN HOMESTEAD ENTRIES IN COMANCHE COUNTY, OKLA.

FEBRUARY 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCGUIRE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 3409.]

The Committee on Indian Affairs, having under consideration the bill (S. 3409) to extend certain payments on certain homestead entries in Comanche County, Okla., begs leave to submit the following report:

This bill affects two classes of entries which were made for lands commonly known as the Oklahoma pasture lands, which formerly belonged to the Kiowa-Comanche and Apache Indian Reservation. Under the act of June 5, 1906, approximately 396,139.88 acres were offered for sale under the sealed-bid plan, and were scheduled in 2,531 tracts. Approximately 380,790.69 acres were awarded to the highest bidders for the total sum of $4,015,785.25, or an average of $10.54 per acre. The persons to whom these lands were awarded were required to make entry under the provisions of the homestead law and at the time of entering pay one-fifth of the purchase price in cash and the balance in four equal annual installments. The first of these deferred payments will be due one year from the date of their entries, or during the spring of 1908, and if they fail to make their payments they lose and forfeit their first payment and also their entry is canceled.

The other class of land embraces what was formerly called pasture No. 3, and was sold at the appraised value to actual bona fide settlers on the land, but was sold on the same terms and conditions as described in the former class.

Under the provisions of the homestead law the settler has six months to settle.

In this case a large majority of them settled during the summer and fall of 1907, and not in the early spring, and were consequently too late to plant and raise crops of any kind.

The rigid forfeiture clause in their contracts will work a great hardship on these settlers unless some relief is given them through Congress. A large number of them will be compelled to give up their homes.

The plan of opening to settlement this country provided by the Interior Department was probably the best that could be devised, yet it was such as to delay the people who purchased the land, and no blame can be attached to the settler because of the delay.

The Indians to whom the money belongs and will ultimately receive it will not need the money, have not requested its payment, and will not receive it from the Government, whether the extension of time as asked for in this bill is granted or not.

Provision is made by the amendment for the exaction of interest from the settler in compensation for the benefit by the act conferred. The rate to be paid under the provisions of the agreement with the settler is 4 per cent. This amendment calls for 5 per cent payment from the settler having a preference right as shown by the act of 1906, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons who are now in possession of land under leases approved by the Secretary of the Interior on pasture reserve numbered three, open for settlement by act approved June eighth, nineteen hundred and six, the same being situate in township one north and one south, in range eight west, Indian meridian, Territory of Oklahoma, be given a right to purchase said lands, as follows: That the land so leased shall be appraised by a commission of three persons to be appointed by the Secretary of the Interior, one upon the recommendation of the Kiowa and Comanche Indians through their agent; said commissioners to receive such compensation as the Secretary of the Interior may direct, the same to be paid from the funds received from the sale of said lands, and said appraisement when made to be approved by the Secretary of the Interior; said land to be appraised without regard to any improvements that have been placed thereon, except such as are required by the provisions of said leases, and the said lessee to have the privilege to purchase at its appraised value the amount of land covered by his lease within sixty days after notice of said appraisement, one-fifth of the price of the same to be paid at the time of notice of acceptance of said purchase and the balance of the purchase price to be paid in four equal annual installments, bearing interest at the rate of six per centum per annum; and in case any purchaser fails to make the annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and be forfeited, and any payment theretofore made shall be forfeited. The funds received from said sales to be placed to the credit of the Indians the same as other funds provided for in said act approved June eighth, nineteen hundred and six: *Provided,* That the Secretary shall appoint said commissioners within thirty days from the passage of this act, and said commissioners shall make said appraisement and file their report within thirty days from the date of their appointments.

Approved, June 28, 1906.

The Commissioner of Indian Affairs, in a letter to Hon. J. S. Sherman, chairman Committee on Indian Affairs, with reference to this bill wrote as follows:

MY DEAR MR. SHERMAN: I have considered S. 3409, entitled, "An act to extend the time of payments on certain homestead entries in Oklahoma," and also H. R. 16059, entitled, "A bill to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma and to extend the time of payment on certain homestead entries upon said land hereafter sold, and for other purposes," both of which you left with me with a request for comment.

I believe it essential that the interest which H. R. 16059 provides the deferred payments shall draw should be paid as a preliminary to any extension of time for the next payment, so that the Indians would be absolutely sure of the interest in any event; and that either no extension at all should be granted to the lessees who have already been granted a preference right in the purchase of their land—a special privilege of the highest importance to them—or that they be required to pay at least 1 per cent more interest than other purchasers, also to be collected in advance.

As to the disposal of the lands still unsold, I would not assume to dictate in any sense as to whether they should be sold or disposed of in some other way; but in discussing the affairs of their tribes, the Kiowa-Comanche-Apache delegation recently in this city made an earnest appeal to me that their children born since the last allotment should be given allotments on these unsold lands. I explained to them that the lands were presumptively left on hand because of their inferior character; but they said they understood that and that it made no difference; they were nevertheless anxious, as their last lands were passing away from them, that their children should be given farms down to the last hour that such allotment was practicable. I told them if their people were generally of this mind that they could show it by a generally signed petition to Congress or by a memorial adopted in popular council, and that I would see that such a paper if sent to this office was properly laid before the Congress. They left Washington with this understanding; and as I wish to keep absolute good faith with the Indians in all respects, I can not make any recommendations which would contravene or otherwise interfere with the plan suggested, but feel constrained to ask that action looking to the disposal of the unsold remnant of the lands be suspended until the tribes in interest have had a chance to present their plea.

Very respectfully, F. E. LEUPP, *Commissioner.*

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1090.

COMPLETING PEDIMENT OF HOUSE WING OF CAPITOL BY PLACING STATUARY THEREIN.

FEBRUARY 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCALL, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. R. 17983.]

The Committee on the Library, to whom was referred the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol by placing suitable statuary therein, report that the same ought to pass with an amendment.

The Senate pediment was decorated in 1862 by appropriate groups of allegorical statuary and it was intended at that time to place on the corresponding pediment above the east portico of the House of Representatives a similar group representative of our history and life, but this intention has never been carried out. The work provided for by the bill is necessary to the completion and beauty of the Capitol building.

Amend by striking out of line 9 the word "architect" and inserting in place thereof the word "superintendent."

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REPORT OF SUBCOMMITTEE.

Your subcommittee deems it unnecessary to recount in detail the history of the legislation which required the stamping of this significant motto on certain denominations of the gold and silver coinage of the United States, except to say that by the act of January, 1837, mottoes and devices for our coins were prescribed, and that in April, 1864, in March, 1865, and in February, 1873, laws were enacted by Congress providing substantially that the words "In God we trust" might be inscribed upon such coins of the United States as would admit of such inscription, and that in pursuance of such authority the Hon. Salmon P. Chase, the then Secretary of the Treasury of the United States, directed that the inscription "In God we trust" be stamped on gold and silver coins of certain denominations.

Numerous petitions have been referred to your subcommittee from various sources throughout the United States asking Congress to restore this motto on the coinage as has been done since the passage of the acts above referred to, and until the omission of the same from certain gold coins of the United States known as "The St. Gaudens." These petitions all ask for the restoration of the inscription as it existed before the issuance of the gold coins referred to. Your subcommittee has, therefore, confined itself to a compliance with these recommendations.

Your subcommittee is unanimous in the belief that as a Christian nation we should restore this motto to the coinage of the United States upon which it was formerly inscribed "as an outward and visible form of the inward and spiritual grace," which should possess and inspire American citizenship, and as an evidence to all the nations of the world that the best and only reliance for the perpetuation of the republican institution is upon a Christian patriotism, which, recognizing the universal fatherhood of God, appeals to the universal brotherhood of man as the source of the authority and power of all just government.

Your subcommittee begs leave to incorporate in this report, as a part thereof, a short history of the motto "In God we trust," contained in the Annual Report of the Director of the Mint for the year 1896, as follows:

"HISTORY OF THE MOTTO 'IN GOD WE TRUST.'

"From the records of the Department it appears that the first suggestion of the recognition of the Deity on the coins of the United States was contained in a letter addressed to the Secretary of the Treasury, Hon. S. P. Chase, by the Rev. M. R. Watkinson, minister of the gospel, Ridleyville, Pa., under date of November 13, 1861, which was as follows:

"RIDLEYVILLE, PA., *November 13, 1861.*

"DEAR SIR: You are about to submit your annual report to Congress respecting the affairs of the national finances.

"One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form in our coins.

"You are probably a Christian. What if our Republic were now shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the Goddess of Liberty we shall have next inside the 13 stars a ring inscribed with the words 'perpetual union;' within this ring the all-seeing eye crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words 'God, liberty, law.'

"This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the divine protection we have personally claimed. From my heart I have felt our national shame in disowning God as not the least of our present national disasters.

"To you first I address a subject that must be agitated.

"M. R. WATKINSON,
"*Minister of the Gospel.*

"Hon. S. P. CHASE,
"*Secretary of the Treasury.*

This resolution authorizes the President to consent to the modification of the bond given by China for the payment to the United States of $24,440,778.81 in such manner as to release China from liability for all the said sum in excess of $11,655,492.69 with interest, etc.

The committee has amended the resolution so as to increase the amount to be paid to the United States by $2,000,000, making the resolution read "So that the total payment to be made by China under the said bond shall be limited to the sum of $13,655,492.69 with interest," etc., and has added a further amendment providing for the review by the Court of Claims of all claims disallowed in whole or in part upon petition by the claimant. The committee submits a brief review of the proceedings following the antiforeign, or so-called "Boxer" disturbances in China in the years 1900–1901.

After the relief of the legations by the allied forces August 14, 1900, the representatives of the Powers met at Peking, and took up with the Chinese Government the question of punitive and expiatory proceedings by that Government and indemnity for damages consequent upon the riots. On or about November 26 a joint note signed by the representatives of the Powers was addressed to the Chinese Government in which was set forth the henious character of the atrocities committed in some detail and the demands the Powers interested made upon the Chinese Government. The fifth demand was for "equitable indemnities for the governments, societies, and individuals, as well as for the Chinese who have suffered during the late events in person or in property on account of their being in the service of foreigners." The Chinese Government accepted responsibility for the riots and agreed to the demands of the Powers.

A commission composed of delegated representatives of the foreign governments proceeded to consider and report to the joint body on or about March 14, 1901, a set of rules for the consideration and allowance of private claims. This report was accepted by the representatives of the Powers for reference to their respective governments, but never formally agreed to by the governments concerned. It was not, therefore, binding upon any government in its consideration of the claims of its nationals.

Subsequently, in June, 1901, the Powers finally agreed upon a lump sum to be exacted from China and divided among the various Powers according to their several losses. This sum amounted to $333,900,000, for the payment of which China gave bond.

The final protocol was signed by representatives of the foreign governments and of China on September 7, 1901, and the bond in fulfillment thereof, providing for the payment of the full amount and agreeing to set apart certain revenues as security, was duly executed. The amount assigned to the United States was $24,440,778.81.

For the consideration and allowance of the claims of private individuals, associations, and companies, two commissioners were appointed by the American Government to sit in China. The commission heard evidence from 230 claimants, and rendered a final report to the American minister November 17, 1902. The report set forth that the total amount claimed by citizens of the United States was $3,308,036.18. The total amount disallowed or withdrawn was $1,804,385.69. The total amount allowed, with interest, on American claims was $1,514,292.88, and on Chinese claims $17,669.60. Later, on appeal and review by the State Department at Washington, the amount

Goods in transit belonging to Chinese.
Increased freight charges except in the case of contracts entered into before the events.
Commission to be earned on future contracts.
Depreciation of value on millinery and similar articles.
Fluctuation of exchange.
Ordinary insurance of goods sold but not delivered.
Losses caused by the interruption of banking operations during the trouble.
Remuneration to employees to compensate them for sufferings undergone.
Hotel guests who have failed to pay their bills.
Loss of customers generally.
Value of sites the buildings on which have been destroyed.
Depreciation of land in consequence of events.
Negotiable instruments not met unless the real damage done can be clearly established.
Interest on loans.
Money lent to Chinese, except in transactions when the security given was amply sufficient.

It also adopted the following rule:

Damages shall be assessed as far as possible and in conformity with the above-mentioned principles with a view to putting governments, societies, companies, and private individuals back in the position in which they would have been if the anti-foreign movement of 1900 had not taken place.

To illustrate the character of the protests received the committee instances the case of the China and Japan Trading Company. This company is the largest American importing house doing business in China. It presented to the American commission claims to the amount of $559,285.48, made up as follows:

Depreciation of American cotton goods on hand		$239,775.49
Carrying charges during the period of disturbance and delay, viz:		
Interest, consisting of the sums paid to banks in the United States and China to carry loans on specific consignment of goods	$256,050.76	
Storage	47,186.77	
Fire insurance	16,272.46	
		319,509.99
		559,285.48
On October 15, 1902, the American commission recommended the allowance of the fire insurance paid and part of the storage, amounting to	[a] 45,695.00	
Subsequently the Department of State, upon proof that the balance of the storage was disallowed because of a misunderstanding of the facts, allowed the same, amounting to.	[b] 17,917.74	
Making paid in all		63,612.74
And leaving unpaid of the claim		495,672.74

The American commission disallowed the items for depreciation of cotton goods on hand and interest paid to banks to carry loans on specific consignments on goods. The first item was disallowed because the company sold its goods in the open market, and had no contracts of sales previous to importation and hence no vested rights to any special price. The effect of the boxer outbreak on prices was held to be undeterminable. The second item was disallowed under the rule of the international commission that interest on loans ought not to be considered as an immediate and direct consequence of the

[a] Together with the interest on said sum from May 1, 1901, and the disallowance of the remainder.
[b] Together with the interest on said sum.

events of 1900. Having given very careful consideration to this claim and taken testimony therein, which is printed and accompanies this report, the committee is convinced that a sufficient showing has been made by the China and Japan Trading Company to justify the submission of their case to the Court of Claims.

The committee points out that even if the rules of the commission on indemnities are to be strictly adhered to, yet under the item "Stock in trade, goods, provisions, samples possessing pecuniary value destroyed or deteriorated," a part of the company's claim might have been considered. The deterioration was due to the total destruction of the north China market, for which the goods were designed. This compelled the company to carry the goods in stock for many months and finally to dispose of them for whatever they would bring. The books of the company will show the cost of the goods and their selling price. The difference marks a loss directly due to the Boxer uprising. It should be noted that these goods were manufactured expressly for the north China market, and were of such character as to be unsalable elsewhere. The company pleads that it used every effort to dispose of the goods at any price without success. While perhaps the goods themselves did not deteriorate in quality, they did deteriorate in salability and price, to the great loss of this company.

The item of interest is made up of the interest paid to banks for money advanced on bills of lading when the goods were ordered for shipment to China. The custom of this company was to send goods to China in large quantities and place them on the market, borrowing money from the banks, with the bills of lading as security, the loans to be refunded as soon as the goods were disposed of. The company has been in business forty years and knows its market and the demands of its market. The Boxer uprising came with such suddenness that it could not prepare for it and could not prevent the receipt of heavy stocks of goods at Shanghai for shipment north. All trade with the north ceased when the Boxer movement came to a head, and the company was compelled to carry in its godowns and warehouses for approximately one year some $3,000,000 worth of cotton piece goods. During this period interest had to be paid on the loans made by banks which the company was unable to refund. This surely was a loss directly due to the antiforeign uprising and seems to come clearly within the rule that all persons were to be placed as far as possible in the condition they would have been in had the disturbances not occurred. It was not interest on the ordinary business transactions of the company, but an extraordinary charge unavoidably incurred.

In this connection it should be noted that the honesty of this claim and the fact that the losses complained of were actually suffered, have never been disputed by the American commission or the Department of State. It would seem, therefore, that this company should have an opportunity to prove its losses before a judicial tribunal.

The American Trading Company, a prominent commission house, also presents its claim for further consideration.

A part of the claim is made up of valid book accounts of the Tientsin agency of the company, where credit has been given to solvent Chinese merchants, who were either killed during the insurrection, have since disappeared, or have become insolvent by reason of the destruction of their property during the riots. This item alone

amounts to $95,535.68, and was wholly disallowed by the American commission. It seems to come within even the most technical construction of the rules drafted by the international commission, and to the knowledge of the committee the good faith of this company's claims has never been questioned.

Sundry claims of individuals alleging inadequacy of compensation have also been received by the committee.

All these considerations have raised reasonable doubts upon certain questions of law and fact, and the committee considers that claimants should be given the right of appeal to the Court of Claims.

Under the wording of the resolution as amended the President may at once re-form the bond with China so as to pretermit the payment of $10,785,286.12, and the Secretary of State may remit to China whatever balance may remain after the payment of all additional awards the Court of Claims may make out of the $2,000,000 reserved.

For the further consideration of the House, the committee refers to the Congressional Record of January 15, 1908, pages 766–768, where will be found a summary of collections and allowances, etc. The sum of $4,523,105.57 already received remains in the Treasury unappropriated.

In conclusion, the committee submits that it is the duty of this Congress, in so far as it is able, to see that equitable indemnities for losses clearly sustained, not of a speculative character, are paid to American citizens before this sum of money is surrendered to a foreign power, and that article 5 of the rules of the commission on indemnities:

> Damages shall be assessed as far as possible and in conformity with the above-mentioned principles, with a view to putting governments, societies, companies, and private individuals back in the position in which they would have been if the anti-foreign movement of 1900 had not taken place.

shall be given effect to in equity in so far as the Court of Claims can so do.

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the oriental mind is slow to believe that the government he represents can be of much importance, and this unfavorable impression is of considerable importance to our commercial development.

The Germans are pressing with vigor their oriental trade. When one looks at the picture of the imposing building occupied by that government in Shanghai and contrasts it with the rookery in which our representatives are found, one feels that not only the dignity of our Government, but the interests of our trade, are burdened by unfair and unfortunate surroundings.

We may also consider that this Government has received and will receive from China some $9.000,000. That is, indeed, intended to defray the expenses of our Army and Navy in the Boxer uprising, but it is not often that such expenses are recovered. The expenditure of about $1,000,000 in buildings and establishments for our consuls in China seems a proper use of a portion of this money. It will be useful to us, and the fact that such an expenditure will be acceptable to the Chinese does not make it any the less expedient.

The bill authorizes the purchase of land on which buildings now stand or the purchase of sites on which buildings shall be erected at eleven Chinese cities and five cities in Japan and Korea. It is believed that their value to the interests of American trade will make the expenditure of the money authorized by this bill an exceedingly judicious investment.

Your committee therefore report it to the House with a recommendation that it do pass.

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feet higher than the village, would make an ideal reservoir site, and the evidence in the case has convinced your committee that the village of Valentine greatly needs it.

There is no objection on the part of the War Department to enactment of the proposed legislation, as will be noted from the following letter signed by the Assistant Secretary of War:

WAR DEPARTMENT,
Washington, January 20, 1908.

SIR: Replying to your request for information in regard to a bill (S. 1931) to grant certain land part of the Fort Niobrara Military Reservation to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, I have the honor to inform you that the value of this reservation for military purposes would not be materially affected by the transfer of the tract of land in question to the village of Valentine, and there is no objection on the part of the War Department to the passage of the bill.

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1111.

TO PLACE ON RETIRED LIST OF ARMY CONTRACT SURGEONS WHO HAVE SERVED THIRTY YEARS.

FEBRUARY 27, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 17985.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 17985) authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years as such in the Army, report the same back to the House with the recommendation that it do pass.

From information obtained by the committee there is only one person now eligible under this bill for retirement, but there are some others who possibly might come under the provisions of this bill by serving the full thirty years, and a list giving their service is as follows:

	Yrs.	mos.	dys.
J. B. Ferguson:			
Enlisted service	6	0	2
Contract service	28	10	20
Total	34	10	22
S. T. Weirick:			
Enlisted service	0	9	8
Contract and volunteer service	32	9	2
Total	33	6	10
W. E. Sabin:			
Contract service	29	4	23
Walter Whitney:			
Contract service to February 4, 1908	20	1	15
J. Reagles:			
Volunteer service	1	3	29
Contract service	18	6	8
Total	19	10	7
F. A. Halliday:			
Volunteer service	4	1	21
Contract service	13	11	0
Total	18	0	21

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1112.

EFFICIENCY OF THE PERSONNEL OF THE LIFE-SAVING SERVICE.

FEBRUARY 28, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17710.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service, having considered the same, report the bill with an amendment, and as amended recommend its passage.

Strike out all after section 2 and substitute therefor the following:

SEC. 3. That section eight of the act of May fourth, eighteen hundred and eighty-two, entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"SEC. 8. That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service: *Provided*, That if the widow shall remarry at any time during the said two years, her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

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The committee held several hearings upon the bill, at which the Service was represented by Assistant Secretary of the Treasury Winthrop and the General Superintendent of the Life-Saving Service. Several other interested persons were also heard.

It was developed that there exists in the Service a serious condition requiring immediate relief if the high standard of efficiency which has heretofore characterized this Service is to be maintained.

In a corps of less than 1,900 men there have been during the last five years 1,538 changes (see table). In these changes 602 left the Service to engage in other business and 422 others failed to reenlist upon the expiration of their terms of enlistment, practically all for the same reason, namely, to obtain better wages in less arduous and hazardous occupations. During the same period 207 were dismissed for cause and 49 deserted, while in former years, when the compensation paid by the Government compared more favorably with wages outside and the cost of living was much less, dismissals for cause were rare and desertions almost unknown. The men then reenlisted from year to year and the service of most of them was practically continuous.

These numerous changes alone, even if the new and untrained men were in every way thoroughly qualified, would seriously affect the maintenance of proper discipline at the stations and be highly detrimental to the efficiency of the crews in their work at wrecks, where so much depends upon united action and mutual reliance upon one another, as the failure of a single man at the oars to properly perform his part at a critical time might involve not only the lives of the crew, but of those whom they seek to save. Their success is largely dependent upon the prompt, skillful, and concerted execution of orders in maneuvering the boat in a heavy sea, which can be secured only by constant practice in the Service drills. But it appears that, as a matter of fact, the men recruited to fill vacancies are not as a rule thoroughly qualified, and in many of the districts it is found impossible to secure anything like a sufficient number of men with even scant qualifications to supply the vacancies as they occur; and as it is necessary that the crews shall always be full for the manning of the boats and the unremitting patrol of the coast, the deficiency has to be made up by the employment of such men as can be found in the vicinity of the stations, however poorly qualified they may be.

A number of propositions seeking to remedy this unfortunate condition were discussed by the committee, which, after due consideration, agreed upon those embodied in the bill herein recommended.

The bill provides for an increase in compensation to district superintendents, keepers, and surfmen, an allowance for rations to keepers and surfmen, and the amendment of existing law to include dependent mothers among those entitled to receive the benefits provided by the act of May 4, 1882, upon the death of a keeper or surfman in line of duty.

The compensation of keepers of life-saving stations is increased from $900 to $1,000 per annum, and the compensation of one surfman in each crew, known as the No. 1 man, is increased from $65 to $70 per month, the pay of the other members of the crew remaining at the present rate of $65 per month. To this is added, for all keepers and surfmen, one ration per day or commutation thereof at the rate of 30 cents per ration.

These increases in pay and allowance for rations, it is believed, are the minimum that will be required as inducements to secure not only a sufficient number, but a better class of men, and retain the desirable men now in the Service. The records of the Service show that over 80 per cent of the men are married, the remaining 20 per cent being made up largely of young men yet unmarried because of their age, and widowers. Most of these men, therefore, must contribute to the maintenance of two households. They are required to reside at the station during the active season, and must provide their own food and cook it themselves or hire a cook at their own expense. Many stations, perhaps a majority of them, are located on islands and at isolated points on the coast far from large markets and without conveniences of transportation. Some stations, particularly on the Pacific coast, are 50 to 75 miles from a railroad. Provisions are therefore necessarily high. The proposed ration or commutation thereof at 30 cents per day will not, in many cases, equal the cost of each man's share of the station mess, but, so far as it goes, will be a material help in this direction, and will be highly appreciated by these men who have heretofore had no allowances of any kind. They must still provide their own uniforms and even the storm clothes, rubber boots, etc., required on patrol and in wreck duty.

The increase of $5 per month in the compensation of the No. 1 man in each crew is a tardy recognition of the position held by him and his distinctive duties. He corresponds to the mate of a merchant vessel, and on him devolves the command of and responsibility for the operation of the station in the absence of the keeper. He is selected with this in view, and is usually a man of long and faithful service, the best qualified in the crew physically and professionally. This difference in pay also doubles the opportunity for advancement from the lowest grade, and places a premium on the good behavior, study, and proficiency in his calling of every surfman in the Service.

The increase of $100 per annum to keepers is shown to be fully warranted by the needs of the Service, and is made not only to retain these men, but to mark the proper distinction between the captain and members of his crew. In like manner the proposed increase of $200 per annum to each of the thirteen district superintendents is fully warranted by their duties and responsibilities and the records of the individual men holding these positions. Appointment to this grade is made upon competitive examination of all the eligible keepers in the district where a vacancy occurs. Of the present thirteen superintendents nine have risen from the ranks after long and notable service in their several previous capacities. Their duties comprise the immediate superintendence of the several stations embraced in their respective districts. As disbursing officers, they pay the wages of the crews monthly and make other expenditures as authorized by the Department. They also perform duties as inspectors of customs. They are required to enter into bonds in amounts varying from $10,000 to $50,000, according to their fiscal responsibility.

In addition to quarterly tours they are obliged to visit their stations on frequent other occasions as circumstances require, and to be present on occasions of wreck whenever practicable, but they are not required to take a place in the boat. They sometimes do so voluntarily. They are liable, however, to exposure in all kinds of weather in their fre-

quent journeys along the coast during the active season, which embraces the most inclement portions of the year, in most instances extending for hundreds of miles along desolate coasts and distant from railroad facilities; often through storms and drifting snows, sometimes camping out and subsisting on scanty fare, frequently making their way in small boats upon dangerous waters, and nearly always under circumstances as different from the comforts and luxuries of ordinary travel as can well be conceived. That their duties are not without danger is attested by the fact that of the eight who have died in office only two died at home. Of the others, two were drowned and four died as the result of exposure while on official tours of their districts. (For particulars, see statement of General Superintendent of the Life-Saving Service relative to district superintendents in said Service appended hereto.)

Section 3 of the bill, amending section 8 of the act of May 4, 1882, provides the same protection for a dependent mother as the law now affords the wife and minor children of a keeper or surfman who dies in the line of duty. While this provision will cost the Government very little, since the effect is simply to divide the two years' pay heretofore paid to the widow and children under 16 years among the widow, children, and dependent mother, if any, yet it will afford a degree of comfort and security to a young man who might hesitate to engage in so hazardous a service because of being the sole support of his mother, the inclusion of whom among the beneficiaries, moreover, seems only just and humane.

This bill the committee believes contains the best features of the various propositions submitted to it.

A table showing the increased cost of the Service under the provisions of the bill, together with a statement showing the number of separations from the Service in the past five years and the causes thereof, are appended hereto.

STATEMENT OF THE GENERAL SUPERINTENDENT OF THE LIFE-SAVING SERVICE RELATIVE TO DISTRICT SUPERINTENDENTS IN SAID SERVICE.

The Life-Saving Service is divided into thirteen districts, each of which is under the immediate supervision of a district superintendent.

The first district embraces the coasts of Maine and New Hampshire, in which there are fourteen stations, located at exposed points, widely separated as a rule, along a stretch 255 miles in extent in a direct line along the coast, although following the indentations the distance is more than doubled. During the winter and the inclement portion of the year the coast is bleak and frigid and exposed to severe snowstorms, and the superintendent in making the quarterly trips which are required of him encounters great discomforts from the lack of traveling facilities, there being no railroads along the coast line, except for a very short distance, and is subjected to great hardships and exposure, for the most part having to make his way by private conveyance and frequently through the fiercest snowstorms. These trips necessarily consume considerable time.

The first superintendent of this district was Capt. John M. Richardson, who, previous to his appointment, was an experienced shipmaster. He was appointed when the Service was first extended to that coast in 1874. He served until his death at a hotel while making one of his official trips, his period of service covering nearly twenty-two years. Dr. Charles W. Bray, of Portland, his family physician, says in an affidavit:

> He was in good health, apparently, until the latter part of 1895. I then noticed that he was quite nervous and was looking tired and careworn. I inquired into his condition and found, as I anticipated, that he was overworked both physically and mentally. He seemed to be perfectly infatuated with his work, and his sole thought and interest appeared to be to bring his section of the Life-Saving Service up to his idea of a high standard. Notwithstanding all that I said to him concerning the care of his health, he continued working very hard. During the winter and spring of 1896 it was very evident that his work was rapidly undermining his health. I saw him May 25. At this date he was quite poorly, and I felt confident that he was unfit to attend to his duties. Under treatment he improved for a few days and then insisted that it was his duty to visit the stations at once, and he left home June 1 and died June 13, after visiting a few stations. His devotion to his work and what he believed to be his duty caused him to break down both physically and mentally, and, in my opinion, this was the direct cause of his death.

The loss of this superintendent's life was as certainly due to the labors and hardships incident to his duty as if he had perished in an attempted rescue of the shipwrecked.

His successor was Capt. Silas H. Harding, the present incumbent. Captain Harding was promoted from the position of keeper of the Jerrys Point life-saving station, which he had held nine years, during

which time he led his crew in many enterprises for the rescue of imperiled life and property, some of which were distinguished for the fertility of expedients displayed by the keeper and for valorous deeds performed by himself and crew. For their splendid heroism in one instance—the occasion of the wreck of the schooner *Oliver Dyer*, on November 26, 1888—the keeper and his entire crew were rewarded with the gold medal of honor. One man of the vessel's crew was lost, being washed away by the sea from the main rigging, 40 feet above the deck of the vessel. It was only by the most extraordinary skill and heroism on the part of the life-saving men that the remaining four were saved. The officer who investigated the circumstances of the loss of life in this case closes his report as follows:

Thus have I recounted the details of this disaster and told of the service rendered by the Jerrys Point life-saving crew. Within thirty minutes from the stranding the four survivors were safe at the station and cared for. That the fifth man of the *Dyer's* crew was lost was owing to no fault of the life-saving crew, but solely due to a power that human endeavor could not stay nor mortal man combat. It is not often that life-saving crews are called upon to perform service under such circumstances as environed this case, but this crew was equal to the emergency, and under the able leadership of Keeper Harding performed prodigies of heroism seldom equaled. Every man in this crew came within an ace of losing his life, from the keeper down, so that while they were doing their utmost to save the crew of the wreck, they were in turn saving the lives of each other. Harding was washed from the rock and saved by Randall; Amazeen and Randall were washed from the ledge and dragged almost lifeless from the seething smother; all hands were tumbled from the rock by the merciless breakers and rescued each other. Every time they went to that sea-combed rock upon their errand of mercy it was a forlorn hope, but they led it and conquered.

The second district embraces the coast of Massachusetts. That portion of the coast upon which life-saving stations are located is much less extended than that of the first district and the stations are much easier of access on account of increased traveling facilities. The amount of commerce passing this coast, however, is much greater and the dangers to which it is exposed more numerous. The number of stations in the district is 32.

The district was until June, 1904, presided over by Capt. Benjamin C. Sparrow, he having been appointed upon the organization of the district in 1872. He was a thorough beachman, and no man on Cape Cod was more familiar with the shores of that dangerous projection than he, a fact to which he probably owes his life. He resided in East Orleans, near the shore, and I believe that no wreck occurred during the thirty years of his incumbency within a distance which would admit of his reaching it that he did not attend. At such times his skill and advice have been of the greatest value. On some of these occasions he endured the severest hardships, and in one instance nearly lost his eyesight and barely escaped with his life.

This was at the wreck of the *Calvin B. Orcutt*, on December 23, 1896, which occurred some 7 miles south of his residence and between the towns of Chatham and Orleans. At 11 o'clock in the night he was awakened by some one calling him out of doors, whom he found to be a merchant from the town some 2 miles distant, who informed him that a telegram had been received at the Orleans office about 4 o'clock p. m. addressed to the Orleans life-saving station, stating that a four-masted schooner was in distress which could not be reached by the Chatham crew, and that the storm was so fierce that no one could be found willing to undertake to carry the dispatch either to

the Orleans station or to the superintendent's office. He, the merchant, Henry K. Cummings, however, had finally determined to undertake the journey, which he accomplished by the aid of a lantern during one of the severest of New England snowstorms, driven by a heavy wind, over a road covered with snow and through drifts waist deep.

Superintendent Sparrow at once telephoned to the keeper of the Orleans station, who without delay made preparations and started for the wreck. The superintendent immediately dressed himself and set out for the scene, calling on his way upon several of his neighbors, where there were five or six able-bodied men, whose assistance he hoped to obtain. He did not stop for them, however, but proceeded alone through the drifted snow toward the life-saving station. Upon arrival there at 1 o'clock a. m. he found the crew had gone. He waited some twenty minutes, hoping that the younger men whom he had notified of the disaster would overtake him. It appears, however, that none of them deemed it prudent to turn out. Had a boat's crew arrived from the people he had called it was his design to proceed in one of the station boats down the inside waters to a point near where the wreck was supposed to be, but none appearing, and unwilling to wait longer, he struck out through the marsh on the inside of the beach. In his statement he says:

Here the storm again broke out with renewed violence, and I stopped a few minutes for observation, in order to determine the extent of my vision. I was completely enshrouded by an impenetrable mist of driven snow, so thick as to interfere with respiration, through which I do not think I could have distinguished a person 20 feet distant. The situation was thoroughly bewildering, and but for a perfect knowledge of every foot of ground about me I would have easily lost my way. The snow filled the meadow grass to a depth half to one's knees. The lower portion had absorbed the salt of the marsh and become wet and clinging. I proceeded thus until the tide overflowed the entire depth of snow and rendered travel so difficult that I turned toward the outside of the beach, and found that a slight ebb of the tide there rendered it possible to walk below the beach cliff by closely watching the waves and scrambling up the face of the sand banks on "all fours" when the heavier surfs ran up.

After continuing on his journey a while he climbed the bank for better observation, as the snow had in a measure ceased to fall. He says:

I consulted my watch in the uncertain light and decided that it was 3 o'clock a. m. (December 24). I was just proceeding southward again when I saw the glare of a torch on the shore in that direction until it grew dim, and another was lighted. The second torch still looked far distant, and I was speedily surprised to see the full form of a man pass between me and it. Just at this time I discovered offshore from the torch the four masts of the stranded vessel.

He then took charge of the operations of the life-saving crew at the wreck, during which they discovered that there was no one on board the vessel. As to what became of the vessel's crew different theories exist. Some think they were lost in an attempt to leave the vessel in their own boats; others that they were swept overboard before the vessel came ashore, where she struck bottom at low water, pounded out her bottom, and filled with water.

The investigating officer says:

How and when the crew lost their lives will probably never be known. The theory of Capt. Benjamin Mallowes, underwriter's agent, appears very probable. He thinks the schooner anchored right on top of the extreme end of the north bar, and at low water, about 8 o'clock, she pounded bottom and filled

with water. Then the hatches washed away, and the inside of the cabin, also the boat, and that the crew were washed overboard then and drowned. If the crew had been on board, alive or dead, at the final breakup of the hull some of their bodies ought to have come on shore with the wreckage.

Although the life-savers patrolled their beaches faithfully for upward of a week in search of the bodies none were found in that vicinity.

The superintendent started for home at 4.40, reaching the Orleans station at 7.15 and his own house at 9.30, much exhausted and his vision so seriously impaired that all objects were dim and indistinct. The distance he traveled that night under such terrible conditions was upward of 14 miles, not taking into account, as he expressed it, "the various zigzags to and fro."

The investigating officer, speaking of the journey of the superintendent from his home to the wreck, says:

It appears almost incredible that he made that journey of 7 miles in the blinding snow alone and unaided, and can only be accounted for by the fact that he was thoroughly acquainted with every bit of the ground traversed and that the wind was behind him. As it was, the journey about used him up, and when I saw him he was still suffering severely from its effects.

Captain Sparrow never recovered from the effects of that night's work. He came near losing his eyesight and his vision is still very seriously impaired, while his general health was irrecoverably undermined by the exposure. He also gradually lost his mind until, in June, 1904, it became necessary to relieve him from the duties of district superintendent. His loss of mind and consequent removal from the Service is attributed to that night's suffering.

His successor, Capt. George W. Bowley, served as a surfman nearly ten years and as a keeper nearly four years, during which time he rendered brave service on numerous occasions of shipwreck.

The third district is under the superintendence of Capt. Herbert M. Knowles. This district embraces the coast of Rhode Island, including Block Island, some 15 miles off the coast, and Fishers Island, New York, in Long Island Sound. The extent of coast is comparatively small, but is very dangerous. Most of the stations are difficult of access, and in the rigorous weather of the active season the trips to the islands which the superintendent is required to make are uncomfortable and sometimes hazardous.

Captain Knowles entered the Service originally as a surfman in the Point Judith life-saving station, from which position he was promoted, after several years' service, to that of keeper of his station in 1878; then to the position of assistant superintendent of the then third district, of which the present third district was formerly a part, and, finally, to his present position when the new district was formed in 1900. Altogether he has been in the Service some twenty-eight years. As surfman and keeper he has seen much perilous service.

In 1885 he and the crew which he led were for three days given up as lost. They had started out on Christmas day, in the midst of a furious gale, to make a hazardous trip to two wrecked vessels in the offing several miles from shore. In attempting to return they tugged for half an hour at the oars against wind and sea without gaining anything, but, in fact, steadily losing ground. The station being miles away to windward, it was impossible to return to it, and their only hope of safety lay in attempting to reach Block Island, some 8

or 10 miles out to sea. It was a perilous undertaking, but after many hairbreadth escapes they finally succeeded in making the island. As the gale continued, reaching at times a velocity of 60 or 70 miles an hour, they were compelled to remain on the island. In the meantime, with the telegraphic cable between the island and the mainland out of order and not working, the gravest fears were entertained on shore for the station crew's safety, it being generally supposed that they were lost.

The assistant superintendent of the district who, by law, at that time performed the duties of district superintendent, Capt. John Waters, of Newport, sharing in the general anxiety and stimulated by the grief of the despairing families of his men, determined to ascertain their fate if he could charter a vessel for the purpose. He finally secured a small schooner, the *Mystery*, of 10 tons, the only vessel he could get, and on December 27 set out in quest of them, although the gale showed no signs of abatement. He reached the island after an exceedingly rough passage, where he was gratified to find the station crew. Being anxious to report their safety and return them to their station, he engaged for the trip back a larger vessel, the *Arabella*, of 17 tons, the party starting with the surfboat in tow at half past 11 o'clock, the gale being still ahead. They had scarcely started when the schooner's bobstay parted and she was well-nigh crippled.

With much difficulty, however, the bowsprit was secured by attaching to it stout tackles led through the hawse pipes, and the little craft kept gallantly on. She was knocked on her beam ends several times, and all parts of her out of water were literally covered with ice, but the men stuck to it, and after a perilous trip reached Newport in safety at about 6 o'clock in the evening, where they were given a hearty reception. Their great gallantry elicited universal applause.

I will omit for the present the fourth and fifth districts and pass to the sixth, which comprises the coasts of Delaware, Maryland, and Virginia from Cape Henlopen to Cape Charles, inclusive, an extremely dangerous stretch of seaboard with outlying shoals which have been the scene of many pitiful wrecks and heroic rescues. There are at present 18 stations located on that coast. The district was organized in 1875, at which time Capt. Benjamin S. Rich was appointed district superintendent. He was a surfman with a record, having begun the life of a seafarer at 9 years of age on the coast of Cape Cod, where he was born and where he often participated in rescue work at shipwrecks under the direction of his father, who had charge of a lifeboat station established by the Massachusetts Humane Society.

For their heroism in saving the lives of 21 persons at the wreck of the ship *Franklin* in 1849, both father and son were awarded medals of honor by the society. The son settled in Virginia in 1857, and when the Life-Saving Service was extended to that coast he was chosen as the proper man to take charge of it. He died in hospital at Baltimore, June 22, 1901, his death being the result of an injury received while engaged in making a quarterly tour of his district in 1896. He was thrown from a road cart—a two-wheeled skeleton affair on the plan of a sulky, with a wide seat, to which was harnessed a half-wild horse—this being the only means of conveyance

obtainable at that time. He was on his way from the Popes Island station to the Assateague Beach station, accompanied by the keeper of the former station, a distance of 12 miles, when the horse became suddenly frightened, shied, and started off on a run, throwing the superintendent out of the vehicle, while the keeper, after falling partly out, regained his position, although he was badly wounded in the hand.

The superintendent fell in a strange, ungainly position, striking the lower end of his spine and thigh on the hard strand, sustaining injuries that confined him to his bed for some time, and which necessitated an operation in the hospital soon afterwards. The operation was successful to the extent of giving him partial relief, but the surgeon stated at the time that another operation would be necessary in two or three years, a prediction which proved true. A second operation became imperatively necessary, from the effects of which he died, as above stated.

His administration as superintendent was a remarkably successful one. During his incumbency there were more than 800 disasters in his district, involving the lives of 6,292 persons, of whom only 45 were lost, while of $12,104,157 of property imperiled $8,588,875 was saved.

Captain Rich made it a point to be present at every shipwreck in his district whenever it was possible, and his presence always inspired his devoted crews with confidence and enthusiasm and sometimes, without doubt, led to success where otherwise there would have been failure. I will mention one case:

On the night of February 22, 1892, the Spanish steamship *San Albano* went ashore on the outer shoals of Hog Island, some 5 miles distant from the Hog Island life-saving station. The steamer's light was discovered by the patrolman about half past 4 on the morning of the 23d. Being so far offshore, the patrolman thought the vessel was simply passing too near the shore for safety and burned his Coston signal. The steamer's light disappeared soon afterwards, and the patrolman concluded that his warning had been effective and that the vessel had gone on her way in safety.

Upon arriving at his station at the end of his patrol at sunrise he reported his action to the keeper, who ascended the lookout and sweeping the horizon with his glass discerned the mast and smokestack of the vessel. The weather was misty and a northeast gale prevailed, which carried the tide over the marshes of the land and was swept in swift currents to the southward. Against this storm the life-saving crew worked their way up the coast with the beach apparatus, arriving abreast of the stranded ship at 9 o'clock, after two hours of laborious exertion. They at once began operations for the rescue of the crew, but the vessel was so far from the shore and the conditions were so adverse that, although they tried every resource with beach apparatus and boat, at 4 o'clock on the morning of the 24th they had been unable to effect communication with the vessel.

In the meantime the superintendent, who lived some 35 miles distant, had heard of the disaster and put in an appearance. He at once assumed direction of the work, and by an ingenious expedient the rescue of all on board was effected. He caused the gun to be lashed upon the apparatus cart, while the shot-line box was secured on the forward axle of the boat carriage. The cart was pushed into

dinner, and then prepared to make a start. Our horse got away from us, with cart attached.

We secured the horse, but the cart was broken and we could not use it further. Our horse was also so much disabled that we were compelled to remain over night. We then tried to procure a boat to cross over to the mainland, but it was impossible to cross, the sound being frozen. Failing in this, we hitched our horse to an ox cart and proceeded, one walking while the other rode, the weather being so severe it was necessary for us to exercise to prevent freezing. Night overtook us about 10 miles from Cape Lookout, and we were compelled to stop at a deserted fish camp on the beach. Having no wood, we had to tear the side from the camp for firewood. The camp had no floor. We built a fire on the dirt and cut rushes to protect us from the frozen ground. We had one blanket, which Captain Etheridge covered with, while I kept up the fire the best I could.

Captain Etheridge, being very tired and worn out from exposure, dropped to sleep about 8 o'clock. At 9.40 the captain awoke and asked the time. When he learned that it was so early he complained that he was sick and that we must move, declaring that he would not live until daylight if compelled to stay where we then were. Soon after he had a chill, followed by a severe headache and fever. However, it was compulsory for us to remain, there being no other place of refuge which we could reach. When morning came we started for the station and arrived there about 10 a. m., being compelled to walk a distance of 10 miles, as our horse was worn out and unable to pull either of us. When we reached the station Captain Etheridge was exhausted. At the station we were supplied with food and then taken in a cart to a small settlement on the banks near Beaufort, N. C. There we procured a boat and arrived at Beaufort on the 25th day of January, at 5 o'clock p. m.

Captain Etheridge continued sick all the way over from the station, and died in a very few days after his arrival home.

Capt. Hiram B. Shaw is superintendent of the eighth life-saving district, which position he has held since 1889. His district contains an extensive coast line, reaching from the northern boundary of South Carolina to Key West, Fla., a distance of about 800 miles. On account of the mildness of the climate, however, the nature of the coast, and the comparatively small amount of shipping which passes in proximity to the shores, serious shipwrecks are rare and are uncomplicated with the severe conditions which usually accompany such disasters north of the South Carolina line. But few stations are, therefore, located in the district, being only nine in number, and these chiefly houses of refuge. Consequently, all in all, it is the least important district in the Service. Yet it is necessary that the superintendent should make his stated tours of the stations, a portion of which has to be made under conditions involving hardships and danger. As chief officer of the district he is looked upon as the person responsible for the efficiency of that portion of the Service under his charge.

On one occasion a serious wreck occurred near Ormond, Fla., when the schooner *Nathan F. Cobb* went ashore on December 5, 1896. There was no station within many miles of the place, but Captain Shaw resided in the town and was looked to as the proper person to take charge of an attempt at rescue. An independent attempt, however, was made by a couple of brave men to carry a line to the stranded vessel. The sea and surf were violent, and the weather was severely cold for that climate. The wreck had been ashore for some time and was rapidly pounding to pieces. Shaw had no boat, nor could any be obtained by him, except a small one, which was in bad order and needed some repairs and cleaning from barnacles. This he borrowed. While he was engaged in repairing it the two brave men before spoken of had found another and better boat, and shot

and their boats were liable to puncture by coming in contact with submerged obstructions and of being dashed against trees and telegraph poles by swift currents. In fact, one of the crews came near being drowned from the staving of a hole in the bilge of the boat by a submerged obstacle, the boats not being in company, but widely separated, and unable to render assistance to each other. In the instance referred to, the boat was saved only by skillful management. The rescuers were also exposed to the liability of contracting dangerous fevers.

In the eleventh district, covering the American shores of Lakes Huron and Superior, Supt. Joseph Sawyer was drowned on Lake Huron off Rogers City while making a tour of his district, on October 20, 1880. The only means of conveyance over that portion of his district was a sailboat belonging to the keeper of one of the stations. The keeper who accompanied him was also drowned.

His successor was Capt. Jerome G. Kiah, the present incumbent. Captain Kiah originally entered the Service as keeper of the Pointe aux Barques life-saving station, and upon the death of Captain Sawyer was promoted to district superintendent. On April 23, 1880, Captain Kiah barely escaped drowning, being the only survivor of the crew of which he was keeper, the others having lost their lives from the lifeboat which was capsized in an attempt to go to the relief of a vessel in distress. Captain Kiah reached the shore in an unconscious condition, where he was found by his neighbors, black in the face, unrecognizable and bereft of his reason. The sad details of this event are of the most pathetic nature.

Superintendent Sawyer and several of the lost station crew left widows and small children behind them to whom the Government has never given any assistance.

In the twelfth district, covering the shores of Lake Michigan, Capt. Nathan Robbins, superintendent from April, 1882, to the date of his death, August 2, 1898, lost his life from overexertion on his last tour of inspection. He arrived at Plum Island late in the previous day, after a hard day's work, and while examining into the conditions of the station affairs he found reason to mistrust that the patrol of the island had not been faithfully kept throughout its entire course, and to satisfy himself followed the shores of the island over an exceedingly rough pathway, obstructed with crags, fallen trees, and underbrush, in pursuit of evidence as to his suspicion. The journey was exceedingly difficult and toilsome, and when completed Captain Robbins was much exhausted. During the night he suffered severely, and died early the next morning.

It will be observed that one or more of the incidents related occurred in each of nine districts out of the thirteen. The districts omitted are the fourth and fifth, embracing, respectively, the coasts of Long Island and New Jersey, on the Atlantic, and containing, respectively, 30 and 41 stations; the tenth, embracing Lakes Ontario and Erie, containing 11 stations, but having about 500 miles of coast line, and the thirteenth, containing 16 stations, embracing the entire Pacific coast, a distance of about 800 miles. A station at Nome, Alaska, has just been added.

In the first two of these districts the stations are closer to each other than elsewhere, and the facilities for visiting them are much better than in any of the other districts, but the duties of the superintendents

would likewise be cut off, as would also the two other superintendents not promoted from the ranks (Superintendents Shaw and Hutchings, of the eighth and ninth districts), incidents from whose distinguished services have been briefly recounted. Under such circumstances many of the keepers would doubtless be unwilling to accept the position of superintendent, among whom would probably be those best fitted by experience.

The incidents related show some of the perils, sufferings, and privations to which the superintendents have subjected themselves, and the gallant achievements which they have accomplished. They are indicative of the spirit which animates these officers, and illustrative of the tasks they consider incumbent upon them on occasion; and although no requirement of the kind is officially imposed, they feel that they lie under an obligation as peremptory and imperative as if the duty were prescribed by law and regulations. To them the occasion is a command, as authoritative as the ukase of the Czar, to do their utmost, whatever danger or self-sacrifice may be involved, even though it be death itself. It is well for the Service that such is the case, and it is to be hoped that it will long continue so.

We all know how necessary it is that leaders of men, however brave the latter may be, should be inspired with earnest devotion, and that their example and enthusiasm set the pace for their followers. If they become negligent and easy-going, it takes but a little while for demoralization to spread in the ranks. These officers have displayed an unparalleled interest and love for their work, and they have assisted in maintaining an esprit de corps that has stimulated the men under their command to accomplish miracles, until to-day their deeds of heroism have become as familiar to the American public as household words, while they have elicited from foreign countries the acknowledgment that the United States Life-Saving Service stands preeminent among all kindred institutions in the world.

It is respectfully submitted that to make discrimination in the matter of granting retirement against these district commanders would be both unjust and impolitic, and utterly at variance with the precedents of the Army and Navy.

Since the foregoing was written, Superintendent Thomas J. Blakeney, Thirteenth district, has died, and George H. Varney, keeper of the Golden Gate life-saving station, has been promoted to his place.

Comparative pay of district superintendent, keepers, and surfmen for one year, at present rates and as proposed by bill H. R. 17710.

Grade.	Number of men.	Present salary.	Aggregate pay per annum.	Proposed salary.	Aggregate pay per annum.
Superintendents:					
Districts 1, 2, 4, 5, 6, 7, 10, 11, 12, 13	10	$2,000	$20,000.00	$2,200	$22,000.00
Districts 3, 9	2	1,[illegible]	3,600.00	2,000	4,000.00
District 8	1	1,[illegible]	1,700.00	1,900	1,[illegible].00
Keeper	265	900	238,500.00	1,000	265,000.00
No. 1 surfmen	265	65 mo.	159,331.25	70 mo.	171,587.50
Other surfmen	1,633	65 mo.	981,841.25	65 mo.	981,841.25
Rations to all keepers and surfmen	2,163	.....	.....	.....	188,733.60
	.....	.....	1,404,972.50	.....	1,635,062.35
Additional cost under provisions of proposed law	.....	.....	.....	.....	230,089.85

[illegible]y and rations of surfmen based on present average annual term of service (9½ months) and the [illegible]l number of men now employed in the Service.

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1114.

INVESTIGATION INTO TREATMENT OF IMMIGRANTS ON COTTON PLANTATIONS MISSISSIPPI DELTA, ETC.

FEBRUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WILLIAMS, from the Committee on Rules, submitted the following

REPORT.

[To accompany H. Res. No. 266.]

The Committee on Rules, to whom was referred the resolutions of the House numbered 115 and 209, have had the same under consideration and report herewith H. Res. No. 266 in lieu thereof, with the recommendation that the House agree to the same:

"*Resolved*, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other southern States; and to report them at as early a date as possible."

Amend by striking out the word "Southern."

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1116.

AUTHORIZING THE SECRETARY OF WAR TO SECURE A SUITABLE DESIGN FOR THE STATUE OF THE LATE COMMODORE JOHN D. SLOAT AT MONTEREY, CAL.

FEBRUARY 28, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAMILTON, of Michigan, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 101.]

The Committee on the Library, to whom was referred the joint resolution (H. J. Res. 101) authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal., have considered the same and report that the said resolution should be amended by changing the period in line 11 to a colon and adding the following words: "*Provided*, That the total amount used for securing the said design shall not exceed one thousand dollars," and that as amended the resolution should pass.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1117.

BRIDGE ACROSS ROCK RIVER AT OR NEAR COLONA FERRY, ILLINOIS.

FEBRUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17422.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 24, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 17422, Sixtieth Congress, first session, to authorize the construction of a bridge across Rock River, Illinois, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 25, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1118.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PARKDALE, ARK.

FEBRUARY 28, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17511.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17511) to construct bridge at Parkdale, Ashley County, Ark., having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the title so as to read: "A bill to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Arkansas."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 24, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 17511, Sixtieth Congress, first session, to authorize the construction of a bridge across Bayou Bartholomew, Arkansas, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 25, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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citizens of that and of other States having expended for this purpose large sums of money, the amount authorized by this bill seems very reasonable.

Amend by striking out the preamble.

In line 3, page 1, strike out the word "forty" and insert in lieu thereof the word "thirty."

At the end of line 5, page 2, change the period to a semicolon and add the following: "the said Hermitage Association and the State of Tennessee, having together expended more than sixty thousand dollars in acquiring said 'Hermitage' and caring for the same."

In line 6, page 2, strike out the word "forty" and insert in lieu thereof the word "thirty."

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The expenditures for the fiscal year 1907 amounted to $189,935,242, or $6,350,237 in excess of the receipts.

The average appropriation for eleven years shows an increase of 7.15 per cent, the receipts for the same period increased an average of 7.6 per cent, while the expenditures show an average increase of 6.83 per cent.

The reductions made by the committee in the last session in railway mail pay and railway postal car pay have shown good results, the saving in railway mail pay reaching almost $2,000,000, or 3.63 per cent; in the car pay a saving of nearly $1,000,000, or 9.65 per cent; by the withdrawal of supplies from the mails a saving of $800,000, or 1.77 per cent, has been effected.

In the items of appropriations directly under the Postmaster-General, recommendation is made by the committee for an appropriation of $10,000 for purchase and installment of mechanical conveyors and equipment in the Washington City post-office, which will be in aid of the service in that office in the matter of the handling and disposition of mail and economy of time; and also, for an appropriation of $10,000 to be used in the investigation and testing of mechanical and other labor-saving devices which may be of benefit to the service generally. A recommendation is also made for a reduction of the force of post-office inspectors by 22. The testimony before the committee seems to warrant such a reduction, and it is believed no impairment of the service will follow.

The items of appropriation under the First Assistant Postmaster-General are much less than the estimates of that officer. The estimates, however, of the First Assistant Postmaster-General were based by him upon the recommendations for changes of law in a number of instances, which, if Congress should approve by new legislation, additional appropriation would necessarily follow to carry the same into effect. Inasmuch as those recommendations were not acted upon by the committee the appropriations for the proposed changes of law were omitted. The amounts appropriated under the First Assistant Postmaster-General are in the judgment of the committee both ample and adequate to properly and efficiently care for the service so far as it relates to that Bureau under existing law.

The difference in the appropriation recommended by the committee and the original estimates in the office of the Second Assistant Postmaster-General was occasioned by revised estimate by that officer being later submitted to and accepted by the committee. The appropriations for the various services under the Second Assistant Postmaster-General's department, as well as both under the Third and Fourth Assistant Postmaster-Generals are, in the judgment of the committee, ample and adequate for the maintenance of the service without any impairment, and with a continuance of the high standard of efficiency.

While the committee has made recommendation for no increase of salaries of postal employees other than required under existing law, sufficient appropriation has been made for every branch of the service so as to provide for what may be reasonably expected in the increased volume of business, and to make proper and sufficient appropriation for all of the various branches of the service.

Following is a detailed table showing the appropriations for the fiscal year 1908, and the estimates of the Department and the recommendations of the committee for the fiscal year 1909:

	Appropriation 1908.	Estimate 1909.	Recommended for 1909.
POSTMASTER-GENERAL.			
Advertising	$5,000	$5,000	$5,000
Mail bag repair shop	.....	32,000	35,200
Electric light	.....	5,500	5,500
Post-office inspectors	599,150	619,150	572,750
Post-office inspectors' per diem	350,000	330,000	325,000
Clerks and laborers at division headquarters	96,620	99,300	96,620
Traveling expenses—inspectors without per diem	25,000	35,000	35,000
Livery hire	60,000	50,000	50,000
Miscellaneous expenses at division headquarters	6,000	8,000	6,000
Rewards	20,000	20,000	20,000
To complete binding and printing opinions of Assistant Attorneys-General	10,000	.....	.....
Mechanical conveyors (Washington, D. C.)	.....	.....	10,000
Investigating and testing mechanical devices	.....	.....	10,000
Travel expenses	1,000	1,000	1,000
Total	1,172,770	1,204,970	1,127,070
FIRST ASSISTANT POSTMASTER-GENERAL.			
Compensation to postmasters	25,500,000	26,250,000	26,250,000
Assistant postmasters	2,275,000	2,600,000	2,427,500
Clerks at first and second class offices	26,390,200	31,240,000	28,661,500
Mechanics, etc	.....	.....	510,800
Clerks in charge of contract stations	.....	.....	775,000
Substitutes at first and second class offices	100,000	200,000	110,000
Temporary and auxiliary clerk hire	200,000	250,000	240,000
Separating mails at third and fourth class offices	775,000	775,000	750,000
Unusual conditions	100,000	250,000	125,000
Allowance to third-class offices	800,000	2,000,000	1,125,000
Preparation of plans for New York post-office	100,000	.....	.....
Rent, light, and fuel for first, second, and third class offices	3,150,000	3,350,000	3,400,000
Necessary and miscellaneous items	250,000	310,000	275,000
Canceling machines	275,000	315,000	300,000
Assistant superintendents—salary and allowance division	34,600	51,900	34,600
Letter carriers	24,450,000	29,950,000	26,650,000
Substitutes for letter carriers	1,200,000	.....	1,300,000
Letter carriers at new offices	50,000	.....	75,000
Horse-hire allowance	750,000	900,000	800,000
Car fare and bicycle allowance	350,000	425,000	400,000
Twenty-two mechanics	19,800	19,800	19,800
Marine postal service at Detroit, Mich	4,500	4,500	4,500
Incidental expenses (city delivery service)	45,000	60,000	45,000
Car fare for special-delivery messengers	10,000	12,000	12,000
Fees to special-delivery messengers	1,075,000	1,200,000	1,200,000
Traveling auditors	.....	24,125	.....
Travel expenses	1,000	2,000	1,000
Total	87,866,900	100,189,325	95,491,700
SECOND ASSISTANT POSTMASTER-GENERAL.			
Inland transportation (star routes)	7,250,000	7,200,000	7,200,000
Inland transportation (steamboats)	829,000	815,000	800,000
Mail-messenger service	1,380,000	1,518,000	1,420,000
Pneumatic tubes	1,250,000	1,388,759	1,000,000
Screen-wagon service	1,275,000	1,341,500	1,700,000
Mail bags	450,000	500,000	500,000
Mail locks	45,000	45,000	45,000
Mail bag repair shop	32,000	.....	.....
Electric light	5,000	.....	.....
Moving supplies, etc	3,000	.....	.....
Inland transportation (railroads)	44,660,000	47,900,000	44,000,000
Freight or expressage on postal cards, etc	250,000	200,000	300,000
Railway post-office car service	5,080,000	4,600,000	4,800,000
Railway Mail Service	17,439,443	18,606,000	18,588,000
Temporary clerk hire	50,000	55,000	55,000
Substitutes	50,000	50,000	50,000
Acting clerks	100,000	100,000	100,000
Actual and necessary expenses of division superintendents	20,000	20,000	20,000
Rent, light, and fuel	60,000	65,000	65,000
Per diem (assistant superintendents)	30,000	33,000	33,000
Electric and cable car service	870,000	870,000	725,000
Foreign mails	3,268,000	3,513,862	3,508,862
Assistant superintendent foreign mails (New York)	2,500	2,500	2,500
Balances due foreign countries	179,000	179,000	179,000
Travel expenses	1,000	1,000	1,000
Total	84,578,943	89,003,621	85,092,362

	Appropriation 1908.	Estimate 1909.	Recommended for 1909.
THIRD ASSISTANT POSTMASTER-GENERAL.			
Manufacture of adhesive stamps	$509,000	$568,000	$568,000
Manufacture of stamped envelopes	1,275,000	1,450,000	1,425,000
Pay of agent and assistants to distribute envelopes	20,860	25,000	25,000
Manufacture of postal cards	214,000	211,000	211,000
Pay of agent and assistants to distribute postal cards	5,720	6,000	6,000
Ship, steamboat, and way letters	500	500	500
Limited indemnity (domestic)	5,000	25,000	25,000
Limited indemnity (foreign)	.....	10,000	10,000
Travel expenses	1,000	1,600	1,000
Counsel (second-class matter)	.....	.....	10,000
Total	2,031,080	2,297,100	2,281,500
FOURTH ASSISTANT POSTMASTER-GENERAL.			
Stationery	95,000	200,000	180,000
Official and registry envelopes	200,000	400,000	225,000
Pay of agent and assistants to distribute envelopes	.....	.....	4,500
Blanks (money-order service)	200,000	400,000	225,000
Blanks (registry service)	5,000	5,000	5,000
Supplies for city delivery service	80,000	100,000	90,000
Steel and rubber stamps	35,000	44,000	40,000
Letter balances, etc	10,000	12,000	10,000
Wrapping paper	13,000	17,000	15,000
Wrapping twine	200,000	200,000	225,000
Packing boxes, etc	2,500	.....	.....
Facing slips	60,000	60,000	60,000
Purchase or exchange of typewriters	80,000	120,000	105,000
Supplies for rural delivery service	85,000	102,000	75,000
Letter carriers (rural delivery)	34,900,000	35,873,000	35,375,000
Shipment of supplies	100,000	200,000	125,000
Street directory	.....	12,000	.....
Travel expenses	1,000	1,000	1,000
Total	36,066,500	37,746,000	36,728,500
For record of all classes of mail matter	300,000	.....	.....
Joint Commission to Investigate into Business Methods of Department	75,000	.....	.....
Grand total	212,091,193	230,441,016	220,766,192

Offices and employees June 30, 1907.

First class	316
Second class	1,400
Third class	4,598
Total Presidential	6,314
Fourth class	56,345
Total	62,659
Number of clerks in first and second class offices	29,371
Number of city letter carriers	24,577
Number of rural letter carriers	37,582
Number of railway mail clerks	14,178
Total	105,708

Amount appropriated for 1908	$212,091,193
Post-Office estimate for 1909	230,441,016
Increase over appropriation for 1908	18,349,823
Amount recommended herein for 1909	220,765,392
Decrease from Department estimate	9,675,624
Increase over appropriation for 1908	8,674,199
Postmaster-General	1,172,070
First Assistant Postmaster-General	95,490,900
Second Assistant Postmaster-General	85,092,362
Third Assistant Postmaster-General	2,281,500
Fourth Assistant Postmaster-General	36,728,560

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1122.

REORGANIZATION, ETC., OF HOSPITAL CORPS, NAVY.

FEBRUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GREGG, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 305.]

The Committee on Naval Affairs, having had under consideration House bill 305, beg leave to report that the same do pass.

The foregoing bill changes existing law in that it places the Hospital Corps of the Navy on the same basis with the other branches of the naval service as regards pay and opportunity for promotion.

The Hospital Corps of the Navy was authorized by act of Congress approved June 17, 1898, and has proved a great advance toward providing a skilled force for attendance upon the sick and injured aboard ship and at naval hospitals. The rapid increase, however, in the pays and opportunities of other branches of the service has left the Hospital Corps far behind as a result of the limitations of the provisions of the above-mentioned act, and it can not be too strongly urged that this law be superseded by the proposed measure (H. R. 305), with a view to meeting the changed conditions and the constantly increasing demands on the Medical Department of the Navy. This bill will relieve the existing, almost critical, condition of the Hospital Corps by providing for the members of that corps a system of pay and promotion exactly similar to that which obtains in the other branches of the service. Of all the enlisted personnel of the Navy, those of the Hospital Corps alone are laboring under the tremendous disadvantage of unfavorable discrimination in the matter of proper and adequate remuneration for important services. The spirit of hopelessness and dissatisfaction prevalent in the ranks of the Hospital Corps under existing conditions is slowly but surely accomplishing its serious depletion, and this is founded on the fact that neither merit nor long and faithful service can be suitably rewarded by reason of the limitations of the present law.

Having in mind the important and responsible duties to be performed, the aim of the Bureau of Medicine and Surgery has been to

secure for service in this corps, which forms a part of the enlisted force of the Navy, men of sobriety, reliability, and intelligent aptitude; but it is most discouraging to note that the inducements for service in the Hospital Corps are neither sufficient to attract the required number of new men nor to hold those who have been trained to the work, and the situation has become such that it is a matter of constant embarrassment to supply even the pressing needs of the service, with no hope of success in the effort to make conservatively proper provision for attendance upon the normal number of sick and injured in the Navy.

The Hospital Corps is now short some 250 men, estimated upon our actual needs, without allowance for an always possible emergency, and this represents a very serious situation when it is considered that a very large proportion of this shortage affects the two higher ratings and that there are but ten hospital stewards who have ten or more years' service in this rating.

In the period from December 15, 1907, to the present time 18 hospital stewards were discharged from the service. During this period there were only 6 reenlistments in that rating and 6 promotions from the next lower rate, showing that the number of hospital stewards under the present conditions can not be filled by reenlistments and promotions, thus necessitating the enlistment of hospital stewards from civil life, but the inducements offered are so poor that in this same period there were only 3 enlistments from civil life. The summary shows that there were 18 discharges against 15 admissions to the rate of hospital steward. Instead of a gradual increase in the number to meet the increasing demands of the constantly increasing Navy, there is a gradual but steady falling off in numbers in the higher ratings of the Hospital Corps entirely chargeable to the unsatisfactory conditions above cited.

In the period above mentioned, also, there were 33 discharges in the rate of hospital apprentice first class, 8 original enlistments, and the strikingly small number of 3 reenlistments. The promotions in this rate in that time were 9, again demonstrating most forcibly that this rate has fallen off 13 in about two months, whereas the service requirements demanded an increase in this rate of at least 60 men. In the other branches of the service the higher ratings are filled from promotions and reenlistments because the inducements offered are such as to keep good men in the service.

That the Navy is not retaining its trained hospital corps men is a fact specifically illustrated by the nursing staff of the several hospitals. For instance, at the Boston hospital there are but 5 nurses with one or more years' experience, and 12 nurses with less than one year's experience; at the New York hospital there are but 6 nurses with one or more years' experience, and 18 nurses with less than one year's experience; and at the Norfolk hospital there are but 5 nurses with one or more years' experience, and 19 nurses with less than one year's experience. These data show the proportion of those who make any approach to being trained nurses as compared with the entirely inexperienced apprentices, and even the number of these, in spite of all that can be done, remains utterly inadequate to do the work which the Medical Department is daily called upon to perform in ordinary times. The shortage in this corps makes it impossible to give to all, or even a large number, that course of instruction at the training school which

is so essential for the proper performance of the work of the Medical Department, and, as explained, the Navy does not even reap the benefit of those who do receive instruction. The graduates of the school for seamen gunners were at one time likewise similarly lost to the service, and it was the realization of this fact which is in large measure responsible for the increased inducements now successfully held out by the Navy Department to retain the men thus trained. In contrast to this state of affairs, the Army experiences no difficulty whatever in keeping its Hospital Corps constantly recruited to its allowed strength, and this is to be attributed to the better inducements, both as regards remuneration and character of duty, sea service and its attendant hardships acting as a distinct deterrent to enlistment in the Hospital Corps of the Navy.

From a careful study of the present condition of the Hospital Corps, by itself and in comparison with the rest of the service, the following points are brought to light and appeal insistently for the favorable consideration of the relief requested:

In the question of pay we find the greatest cause of complaint and reason for the existing condition. The pay now allowed by law for hospital stewards is $60 per month; for hospital apprentices first class, $30 per month, and for hospital apprentices, $20 per month. Chief petty officers, other than hospital stewards, however, receive as base pay under permanent appointment $70 per month, and in addition all enlisted men in the Navy, except members of the Hospital Corps, receive a bounty of $5 per month on second enlistment and $3 per month for each and every subsequent enlistment, besides extra remuneration for special work as instructors, gun pointers, etc., and for the possession of good-conduct medals. Members of the Hospital Corps suffer by comparison in this respect with men in other branches of the Naval service alongside of them in corresponding ratings (of certainly not greater and generally less exacting and technical requirements), in which they are exposed not only to the dangers of service on a vessel of war, common to all, but to the added personal risk incident to the care of infectious and contagious diseases, a duty demanding that forgetfulness of self quite as commendable and deserving of substantial acknowledgment as those duties which the combatant forces are called upon to perform. That this is an injustice must be manifest, and it is entirely attributable to the rigid law now controlling the pay of the Hospital Corps and excluding it from participation in the benefits of Executive orders which the enlisted men of other branches of the Navy enjoy.

As regards organization and opportunities for advancement, the Hospital Corps has always suffered by virtue of the rigid law which prevents its adaptation to changed conditions and broader requirements and produces great discontent by its too meager and unsatisfactory provision for promotion, particularly in comparison with the other and more fortunate branches of the service, which represent no greater claim upon the consideration of the Government. There are but three rates in the enlisted ranks of the Hospital Corps—hospital stewards, classed as chief petty officers; hospital apprentices first class, classed as petty officers third class, and hospital apprentices, classed with seamen second class. There are no intermediate rates between those at present established by law for the Hospital Corps, as in other branches of the Navy, in which there are one rate between

seamen second class and petty officers third class, and two between petty officer third class and chief petty officer. This deficient allowance of grades in the Hospital Corps excludes the possibility of a broad scope of reward by gradual promotion as the individuals increase in proficiency. Moreover, by reason of this condition many men who never can qualify for the rate of hospital steward on account of the lack of fundamental education, but who are excellently fitted for duty as head nurses in hospitals and on board ship, are lost to the service because they are limited by law to the rate of hospital apprentice first class, under a monthly pay of $30.

These men, being experienced, all round nurses, can find more remunerative employment in civil life. Indeed, many members of the Hospital Corps, hospital stewards, and hospital apprentices alike, after having benefited by the training in the many special branches, such as X-ray work, aseptic operative technic, and ward management, etc., and becoming disheartened by the outlook for advancement in the Hospital Corps, leave the Navy and enter civil institutions, and a large proportion of these men also find good openings in commercial houses, where such knowledge as they have acquired is valuable in the sale of various kinds of hospital apparatus. Thus, because there is not a reasonable prospect of advancement with increase of pay comparable to that offered enlisted men in other branches of the service, the Medical Department is continually training men for its purpose at Government expense only to lose them at the very moment they reach a really serviceable proficiency, and this common experience is not only most uneconomical and discouraging, but is certainly disastrous to efficiency. In this connection it is to be remembered that in civil life, three or four years of constant instruction are required in the proper training of nurses, and that hospital apprentices in the Navy can not be regarded as trained until the end of their first enlistment, when most of them leave the service.

Finally, under the present law, the possibilities for promotion in the Hospital Corps end with the warrant grade of pharmacist; whereas, other warrant officers are, after six years' service as such, eligible for promotion to chief boatswain, chief gunner, etc., as the case may be, ranking with but after ensign. This bill provides the corresponding rank of chief pharmacist after six years' service as pharmacist. The entire measure is simply designed to give the members of the Hospital Corps exactly the same advantages, the same reward for meritorious service, and the same inducements for extra effort as are now allowed by law to other persons in the Navy. It is imperatively necessary to correct the unjust statutory restrictions under which the Hospital Corps is now serving and to effect a reorganization by this proposed new legislation whereby simple justice may be done, greater and merited inducements may be offered, and the required standard of efficiency made possible.

In conclusion, the provisions which this bill (H. R. 305) embodies constitute the most important object of the Medical Department's appeals to Congress during the past five years, and the measure has been approved by four Secretaries of the Navy and favorably reported by the House Naval Committee.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1123.

WIDENING OF BENNING ROAD, DISTRICT OF COLUMBIA.

FEBRUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SIMS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 4063.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4063) for the widening of Benning road, and for other purposes, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 3, the words "of sections."

Strike out of page 1 entire line 4.

Strike out of page 1, line 5, the words "one n, both inclusive," and both commas.

Strike out of page 1, line 7, the word "twenty" and insert in lieu thereof the word "ninety."

Insert in page 2, at the end of line 6, the following provisos to section 1:

Provided, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages, for and in respect of the land to be condemned for said extension plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further,* That nothing in said subchapter one of chapter fifteen of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

Strike out of page 2 all of lines 7 to 25, both inclusive.

Strike of page 3 lines 1 to 5, both inclusive.

Insert in lieu of the lines stricken out by the last two amendments the following to stand as section 2 of the bill:

SEC. 2. That there is hereby appropriated from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The several amendments made to this bill are such as to make it correspond with the usual form of bills recommended by this committee for the widening or extension of streets, where the entire cost and

expenses are to be assessed as benefits. No part of such expense falls upon the United States, and the entire expense, paid primarily from the revenues of the District of Columbia, is repaid from the assessments for benefits, in five equal annual installments, with interest at the rate of 4 per cent per annum, as provided by section 491 j of the District Code.

The property owners along Benning road, recently assembled in mass meeting, adopted resolutions urging immediate action on the measure. The Commissioners of the District of Columbia recommend the improvement and believe that the entire cost thereof should be assessed as benefits. Their reasons are set forth in the following paragraphs taken from their communication to the committee, dated January 30, 1908:

Benning road was originally laid out 33 feet wide, but it has been widened between Fifteenth and Seventeenth streets, on the south side, to a width of 45 feet. The highway-extension plans provide for the widening of the road to 110 feet to Oklahoma avenue, which is practically at the river's edge. On the north side of the street the Columbia Railway owns a strip 30 feet in width, from Fifteenth street to Benning, this strip having been obtained under an act of Congress approved June 13, 1898, authorizing the eastward extension of the Columbia Railway. This law provides that in the event that Benning road shall be widened to a width of 90 feet or more, or if any portions of this 30-foot right of way are included in the highways to be opened in the future, the company shall convey to the District of Columbia, for the use of the public, right of way over this 30-foot strip, subject to the right of the company to use and occupy it for the maintenance of its road. Under the bill, it is proposed to acquire, in addition to this 30-foot strip, an additional width of 35 feet lying to the north of the strip, making the total width of Benning road as proposed 110 feet.

The present width of the road is sufficient for present traffic purposes, but the private property abutting the north side has no outlet to the road, being cut off by this 30-foot right of way of the railway company lying between it and the road proper, excepting at occasional places, where public roads cross the right of way. The widening, therefore, on the north side is necessary to develop the property and permit it to front on a public thoroughfare, and is for this reason desired.

Between Fifteenth and Seventeenth streets the railroad company has also purchased a strip of land lying just north of this right of way, in which tracks have been laid and a station is being built in order to permit the Washington, Baltimore and Annapolis Railway Company to gain entrance into the city over the tracks of the Columbia Railway Company from the District line, the charter of the latter company authorizing it to permit this use of its tracks.

This station building is not an expensive structure and lies practically entirely outside the strip proposed to be acquired for roadway purposes. The road, however, should be widened before any costly permanent structure should be erected within the limits of this strip, which, of course, the Commissioners are without power to prevent, excepting after the passage of an act authorizing the condemnation of this strip, as is contemplated by the pending bill. The bill provides only for the widening to Oklahoma avenue, which, in the judgment of the Commissioners, as indicated in reports on similar bills to preceding Congresses, is all that is necessary at the present time, and it provides that the Commissioners shall institute the proceedings after the dedication of 50 per cent of the land necessary for the widening of the road, exclusive of the strip owned by the railroad company.

O

Congress, Session. } HOUSE OF REPRESENTATIVES. { Report No. 1124.

EXTENSION OF NINTH STREET NW.

February 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Foster, of Indiana, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 16269.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16269) authorizing the extension of Ninth street NW., report the same back to the House with the recommendation that it do pass, when amended as follows:

Strike out of page 2, line 8, the comma and the word "one-half."

Strike out of page 2, line 9, the words "and one-half."

Strike out of page 2 the entire line 10.

Strike out of page 2, lines 16 and 17, the words "and the United States in equal part," and insert a period after the word "Columbia" in line 16.

The several amendments made to this bill are such as to make it correspond with the usual form of bills recommended by this committee for the widening or extension of streets, where the entire cost and expenses are to be assessed as benefits. No part of such expense falls upon the United States, and the entire expense, paid primarily from the revenues of the District of Columbia, is repaid from the assessments for benefits, in five equal annual installments, with interest at the rate of 4 per cent per annum, as provided by section 491 j of the District Code.

The proposed bill, with the exception of the amendments above specified, was recommended by the Commissioners of the District of Columbia, who succinctly and clearly set forth the conditions and reasons for the proposed extension in the following communication:

Office Commissioners of the District of Columbia,
Washington, February 3, 1908.

Sir: The Commissioners of the District of Columbia have the honor to forward a bill for the extension of Ninth street NW., from Barry place to Euclid street, through square 2882, and to request its enactment into law.

The block through which it is proposed to extend this street is one of the largest blocks in or near the city, and it is of such shape as to considerably retard building

operations in this section, the lots being too deep to justify their being developed, and the holdings being too numerous to permit of resubdivision along proper lines.

Ninth street terminates at Barry place, and in the long block from Florida avenue to Barry place is improved by dwellings of a very inferior class. The proposed extension is almost a direct extension of Ninth street.

It is the belief of the Commissioners that the opening of a street lengthwise through this block will provide another line of communication northward from Barry place, which is a very important thoroughfare, and besides making it possible for the property on both sides of the new street, as well as on Eighth street and Sherman avenue, to be more advantageously developed, will provide an additional entrance and exit which will tend to facilitate police supervision in this section.

The proposed street will acquire ground practically entirely devoid of improvement, on lines as shown tinted on plat herewith.

The estimated cost is slight ($15,000), and can and should be totally assessed against surrounding and abutting property as benefits, as provided in the bill.

The street will be practically on grade.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1125.

EXTENSION OF GIRARD STREET NW.

FEBRUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of Michigan, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 17303.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW., report the same back to the House with the recommendation that it do pass, when amended as follows:

Strike out of page 2, line 8, the comma and the word "one-half."

Strike out of page 2, line 9, the words "and one-half."

Strike out of page 2 the whole of line 10.

Strike out of page 2, lines 16 and 17, the words "and the United States in equal parts."

The several amendments made to this bill are such as to make it correspond with the usual form of bills recommended by this committee for the widening or extension of streets where the entire cost and expenses are to be assessed as benefits. No part of such expense falls upon the United States; and the entire expense, paid primarily from the revenues of the District of Columbia, is repaid from the assessments for benefits, in five equal annual installments, with interest at the rate of 4 per cent per annum, as provided by section 491 j of the District Code.

This bill, except as to the amendments above reported, was recommended by the Commissioners of the District of Columbia in a communication under date of February 15, 1908, and they believe that the case is one of sufficient local importance to justify total assessment of the cost and expenses as benefits.

Girard street now extends westward from Fourteenth street a distance of about 700 feet, but ends before reaching Fifteenth street, thus forming a cul-de-sac, or, as the Commissioners term it, a "stub-end street." Fuller street is also a "stub-end street," running eastward from Sixteenth street about 400 feet and then eastward from

Fifteenth street about 150 feet, ending in another cul-de-sac. The purpose of this proposed legislation is to extend Girard street westward to Fifteenth street, as Harvard street, next north of it, was extended by an act of Congress of the last session. This extension will make Girard and Fuller streets parallel each other for the distance of the extension, about 150 feet, and 130 feet apart, but it will afford an additional thoroughfare between Fourteenth and Sixteenth streets, by way of Girard, Fifteenth, and Fuller streets.

It is believed that this is an opportune time to make the proposed extension, as the Commissioners are convinced that the extension proposed in this bill should be made before further building operations prevent it. There is now in the way a cement garage and a small frame building, possibly worth about $3,500, which will have to be destroyed. Otherwise the extension involves the taking only of unimproved property, estimated in all at about $11,000.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPORT No. 1126

H. R. 12677

REPORT OF

HON. CHARLES N. FOWLER

FROM THE

COMMITTEE ON BANKING AND CURRENCY

ON A BILL

TO ESTABLISH A SIMPLE AND SCIENTIFIC MONETARY SYSTEM, FOUNDED UPON GOLD, GUARANTEED BANK NOTES, AND SILVER, WITH UNIFORM BANKING AND BANK RESERVES IN GOLD COIN OR ITS EQUIVALENT; TO GUARANTEE ALL DEPOSITS AND NOTE ISSUES, AND TO FIX CERTAIN RULES AND REGULATIONS WHEREBY THE FINANCIAL OPERATIONS OF THE GOVERNMENT SHALL CEASE TO BE A DISTURBING FACTOR IN OUR TRADE AND COMMERCE.

(See page 13)

FEBRUARY 29, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

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The bill, which your committee now has the honor to report to the House, is comprehensive in character, scientific in principle, practical in its application, and will accomplish the following results:

First. It will unify the banking interests of the United States, coordinating and bringing them into perfect harmony.

Second. It will secure a uniform and adequate reserve in gold coin, to prove all bank credits and thereby protect the interests of all depositors.

Third. It will establish a scientific and simple monetary system, with all of our bank reserves in gold coin, with bank credits redeemable in gold coin for all of our larger bills, and with silver for our smaller bills and subsidiary coin.

Fourth. It will give us a true credit currency system, by which our current credits will always increase and decrease in strict accordance with the demands of business, never too great, never too small, but invariably adjusted to the requirements of trade and commerce.

Fifth. It will give to our laborers, farmers, producers, manufacturers, and merchants, and to all others who have bank accounts, the right to have their credits in that form which will best serve their needs, viz, either a credit upon the books of the bank subject to check, a draft upon another locality with which to buy goods or pay debts, or a cashier's check, payable to bearer, the current credit of the bank or a bank note, which will be printed and furnished by the Government precisely as our present bank notes are.

Sixth. It will give to the masses of our people, those who use currency instead of checks, just as economical and cheap credits as the rich and powerful have who keep bank accounts subject to check.

Seventh. It will give us a currency based upon the products of labor, the consumable commodities of the country, the things we eat, we wear and use, and that currency redeemed in gold coin.

Eighth. It will enable the farmer, producer, manufacturer, and merchant to coin their commodities into currency which the banks will be compelled to redeem in gold coin.

Ninth. It will establish in the United States Treasury a fund approximating $700,000,000 to guarantee the redemption of these notes in gold coin and protect all depositors of national banks, thereby preventing panics and stopping the hoarding of money.

Tenth. It will completely divorce the operations of the United States Treasury from the trade and commerce of the country, and thereby prevent their continuance as a disturbing factor in the business of the country.

THE EFFECT OF THE BILL.

It will displace all of our bond-secured currency, which bears no relation to the business of the country, with a true credit currency, which comes into existence with production and disappears with consumption. Therefore we shall always have just enough currency to meet our trade requirements.

NATIONAL HONOR.

It will retire the demand obligations of the Government and completely free us from the dangers and perils of national repudiation and dishonor.

The chairman of each board of managers is a deputy comptroller of the currency. These boards of managers meet at least once every month.

The deputy comptrollers of the twenty commercial zones meet at least every six months with the Comptroller of the Currency acting as chairman, for the purpose of consulting and advising each other.

It will be observed that the structure of this organization is based upon that of our State and Federal Government.

ADDITIONAL POWERS.

National banks are authorized—

First. To take out bank notes for issue and circulation without depositing Government bonds.

Second. To guarantee depositors.

Third. To act as executor, administrator, guardian, and trustee.

Fourth. To examine and supervise their banks through their own examiners.

NOTE FUNDING.

In place of the present outstanding Government bond-secured notes the banks will have the right to take out for issue and circulation bank notes equal to the capital of the bank, the same being protected by gold reserves in amount as now provided by law for deposits, and their payment will be guaranteed by a deposit in the United States Treasury of a fund approximating $700,000,000.

If at any time the business interests of the country should require it in any locality, any bank, subject to the approval of the board of managers of the respective districts, may take out an additional amount of notes equal to its capital.

GUARANTY FUND.

At the time of taking out bank notes for issue and circulation a bank shall deposit in the Treasury of the United States an amount of gold coin or its equivalent equal to 5 per cent of its average deposits for the preceding six months; and also 5 per cent of the bank notes it takes out. The amount so deposited is a part of the required reserves of the banks.

It is assumed that the total deposits will be at least $13,000,000,000, and that the total note issue will be at least $1,000,000,000, making in all $14,000,000,000, 5 per cent of which is $700,000,000.

The amount, so accumulated in the Treasury, is to be used from time to time by the Comptroller of the Currency and the twenty deputy comptrollers to purchase the United States 2 per cent bonds now outstanding, amounting to $700,000,000. The price has been fixed at $104 and interest. Those held by the banks, amounting to about $650,000,000, are to be purchased first and paid for pro rata as they are taken up.

It will be observed that the effect of this plan is:

First. To relieve the national banks from the possibility of loss in case of war; for it is certain that if the Government should be called upon to sell securities bearing 5 per cent, possibly 6 per cent, the depreciation of the 2 per cent bonds would be considerable—possibly 30 or 40 per cent.

Second. There will be returned to the commercial fund of the country the $700,000,000 now tied up in the 2 per cent bonds; each bank receiving cash for the amount of the 2 per cent bonds it now holds without increasing its reserves or in any way tying up additional capital.

INTEREST ON GOVERNMENT DEPOSITS.

As soon as the amount in the guaranty fund, arising from the deposits therein of 5 per cent of the note issues and 5 per cent of the deposits, shall reach the sum of $25,000,000, all bonds now held by the Government to secure its deposits with national banks shall be returned to the respective banks owning them, and the banks shall thereupon begin to pay the Government on its deposits interest thereon at the rate of 2 per cent per annum, the same being payable semiannually.

All Government deposits shall be equitably distributed throughout the United States; and no deposit with any national bank shall exceed fifty per cent of its capital.

CURRENT DEPOSIT OF GOVERNMENT REVENUES.

The Government shall receive in payment for its dues national bank notes or the checks or drafts of national banks, and shall pay all its own obligations by check or draft on national banks. It shall deposit from day to day all of its receipts in national banks precisely as any business house does.

NOTE REDEMPTION.

All expense attaching to the transmission of any bank note by the holder thereof to a redemption agency is paid by the Government.

RATES OF INTEREST ON COMMERCIAL AND TRUST ACCOUNTS.

No bank is allowed to pay more than 2 per cent on any account subject to check. The rates of interest to be allowed in the several redemption districts upon time certificates shall be determined by the managers of the respective districts.

CONVERSION OF UNITED STATES NOTES.

As soon as the amount of the accumulations in the guaranty fund from income reaches the sum of $25,000,000, the balance remaining on the 1st days of January and July of each year, after paying all expenses, shall be used to convert the United States notes into gold certificates. The result will be that the United States notes, amounting to $200,000,000, will be paid out of the taxes upon circulation and interest upon Government deposits held by the banks.

It is the confident belief of the committee that by the enactment of this measure all the fundamental defects or weaknesses in our financial and currency practices will be eliminated and that we shall have, all things considered, the very best banking system in the world instead of the very worst. To delay this important work any longer means still greater and continued commercial disaster; and in case of a great war, a complete breakdown of our national credit with all the ruinous consequences that follow in its train.

SPEECH OF HON. CHARLES N. FOWLER ON THE FOWLER FINANCIAL AND CURRENCY BILL (H. R. 12677) BEFORE THE HOUSE OF REPRESENTATIVES JANUARY 27, 1908.

SPEECH OF HON. CHARLES N. FOWLER.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 10446) to provide for temporary street railway connection with the Union Railroad Station in the District of Columbia—

Mr. FOWLER said:

Mr. CHAIRMAN: I send to the Clerk's desk a clipping taken from the Washington Post this morning, which I desire to have read.

The Clerk read as follows:

An interesting story was told last week bearing upon the probable action of certain leaders in the House with respect to this bill. There need be no fear, it is said, that Chairman Fowler and his committee will not report the Aldrich bill promptly to the House, and that this measure will go through the orderly course of committee procedure without recourse to the device of sending it to the Ways and Means Committee or considering it without sending it to any committee whatever.

It was said that Speaker Cannon was so firmly convinced of the necessity of speedily passing a measure containing the vital principles of the Aldrich bill that he thought seriously of deposing Mr. Fowler from the chairmanship of the Committee on Banking and Currency. The Speaker understood Mr. Fowler's opposition to that bill and his great desire to have his own currency measure adopted by the House. Mr. Fowler, however, it is said, saw the handwriting on the wall, and gave the Speaker to understand that he would abide by the will of the majority of the House, and would report the measure when it came over from the Senate. With such an understanding the Speaker reassigned Mr. Fowler to the headship of the committee.

Mr. FOWLER. Mr. Chairman, every word, from the first to the last, of that publication is utterly and absolutely false.

When Speaker Cannon called me in and advised me of the fact that he was going to appoint the Committee on Banking and Currency, after telling me that all of the published statements to the effect that he intended to displace me were a pack of lies, the only suggestion he made at all was that he thought it would be unwise to bring any measure into the House before the holidays, on account of the sensitive condition of the public mind.

No allusion of any kind whatever was made to any bill in this House or any other. I replied to him as follows: "I agree with you; and more than that, I believe that any measure that attempts to affect the present situation or to deal with it in any way would be unwise, not only before the holidays, but useless and unwise for this entire session." And that is all that was said.

I sincerely hope and firmly believe that no Member of this House would permit the putrid purpose of securing place, however exalted, to paralyze his patriotism and destroy his devotion to his country. [Applause.] The man who betrays the principles which he truly believes will best conserve the interests of his country is as foul a

traitor as he who, in uniform, upon the field of battle, turns and shoots down his comrades defending the Stars and Stripes. Such an imputation is an insult to the Speaker and every Member of this House. I denounce it as false, and, as I believe, maliciously false.

Mr. Chairman, what I said to Speaker Cannon with regard to temporary legislation I thoroughly believe. After the panic of 1873 a panacea was offered to General Grant in the way of more greenbacks, and he vetoed it. In 1893 a panacea was offered to Grover Cleveland of more silver, and he vetoed it; and I hope that this House now, under exactly the same conditions, will be as intelligent and brave as those two men were in their day.

The importance of this question can hardly be appreciated. We are dealing with bank resources amounting now to $19,645,000,000 in this country, while the banking power of all the rest of the world amounts to, according to the same calculation, $30,500,000,000. In other words, we have in the United States two-fifths of all the banking power of all the world; and we produced last year products of various kinds valued at $25,000,000,000.

Now, everybody knows that there is something wrong, radically wrong, and those who have studied the situation know that we have the worst financial and currency practices in the world instead of the best.

What is the acute and most urgent question before the American people? What is the question that will not down until the people themselves have settled it?

What is the immediate and direct cause of the present deplorable situation? What is the cause of the most disgraceful incident in the business life of the nation?

It is a bond-secured currency which bears no relation whatever to the business of the country.

What was the origin of this bond-secured currency?

In 1863, when Secretary Chase wanted to raise money to carry on the war, he devised this scheme of basing our currency upon Government bonds; and, by imposing a 10 per cent tax upon bank-note circulation, compelled the bankers to buy the United States bonds and issue circulation based upon them. It was a bond-selling scheme in its inception, and it has never been anything else but a bond-speculating scheme.

From 1882 to 1891 this bond-secured currency, though the country was expanding and growing in every direction, fell from three hundred and sixty-two millions to one hundred and twenty-five millions, and this I say in the face of the fact that the period was one of prosperity and expansion. It contracted two hundred and twenty-five millions simply because it did not pay to hold the bonds.

From 1891 to 1900 you will find upon investigation that the bank notes often decreased from July to December, when they ought to have increased from two hundred and fifty to two hundred and seventy-five millions of dollars, simply because it paid to sell the bonds, and the bankers did what they ought to do for their stockholders as a matter of business. Again, you will find that in the same nine years from January to July, when the bank-note currency ought to have decreased from two hundred and fifty to two hundred and seventy-five millions, the circulation actually increased, because

it paid to buy the bonds, and the bankers did what was for the interest of the stockholders of their respective banks.

In other words, a bond-secured currency bears no relation to the business of the country, but increases and decreases according to the profit or loss in buying or selling the bonds.

Mr. Chairman, if the principle or practice, rather, of basing a currency upon bonds were a wise one, is it not altogether likely that some other nation would have adopted it during the past forty-five years? One country did adopt it, that enterprising country across the Pacific, Japan. But the Japanese Government adopted it only over night. They found this bond-secured currency utterly unfit for their country and discarded it and adopted credit currency. So we stand alone in all the world in having it, and we have it only by tradition and not by adoption as a principle.

The present panic, how did it come about? Every fall, beginning with July and up to the 1st of January, it has been demonstrated that the central cities of the country send into the farming districts about three hundred millions of currency. Last fall, when this demand was urgent there coincidently happened a financial difficulty in New York that precipitated a run on the banks and probably from $125,000,000 to $150,000,000 of currency was seized, so that the New York bankers not only were utterly unable to send money to the West, but were even compelled to adopt clearing-house certificates.

Therefore our whole system of currency exchange broke down from one end of the country to another in a time of prosperity, when the prices of all commodities were high, and people wanted to buy them. You could not sell a bale of cotton and transfer title; you could not sell a fat steer and transfer title, or a bushel of wheat and transfer title, because your current exchange had completely broken down.

Now, gentlemen, if you had had the kind of currency that you ought to have had, and if the banks of this country could have sent their credits into the country districts; if they could have converted their book credits subject to checks into current credits, which passed without indorsement, we never would have had the troubles of this last fall. It is a certainty that the banks in these central cities were owing the country banks more than $300,000,000. That was an absolute debt, subject to check or draft. They held their reserves against $300,000,000. Now, if they could have converted this $300,000,000, which is a debt against which they hold reserves, into a current credit, and have held the same reserve against the current credits that they held against the order credits, they could have paid off every one of these banks throughout the country and have moved the crops and no one would have ever known that the crops were being moved nor that a bank had closed its doors in New York. They would not have increased their debt one single dollar; they would not have increased their reserves one dollar; and it would have been simply a matter of bookkeeping—the president of a bank saying to the cashier, "Send out our bank notes, charge the country banker, and credit the cashier of this bank." That would have been all there was to the transaction.

With a view of impressing upon the members of the Senate and the House of Representatives the fatal mistake of pursuing this policy

any further, especially of passing the boundaries of Government obligations, I addressed the following letter to each of them:

COMMITTEE ON BANKING AND CURRENCY,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 14, 1908.

MY DEAR SIR: While we are trying to think ourselves out of our deplorable currency condition, it seems as though we ought to take some note of the observations and conclusions of the leading economic authorities of the world and of what they are thinking and saying about us.

Paul Leroy-Beaulieu, the leading economic authority of France, has this to say in the New York Evening Post of December 31, 1907, in its annual financial review:

"It is true the American monetary system can not stand on its feet. Something of course must be done; and I hold to President Cleveland's principle that the United States must work out the separation of bank and state; but any immediate action in this matter is difficult, if only for the reason that the public funds used by the national banks could hardly be capitalized elsewhere at anything like a 2 per cent rate. In this connection I have been surprised to learn of a possible future loophole to permit the national banks to issue bills against other than Government funds. It seems to me that this would remove the very necessary limits which the possession of Government funds established; if railway or even municipal funds, for example, should possibly take their place, it might lead to dangerous inflation."

In the London Economist the following appeared:

"How and when the American coach will be pulled out of the mire in which it has been sticking for the last eight weeks is a problem that becomes more pressing every day. The present situation is a peril to financial and commercial interests all the world over. The best that can be said is that the realities are beginning to be appreciated on the other side of the Atlantic. * * * A great part of the American currency is inconvertible. The issues of bank notes in the United States are not based upon sound principles. The so-called security of bond deposits is no proper security at all. It is a device which originated in a desire to give an artificially high value to the Government's debt and enable it to borrow cheaply. The American people are saddled with an unsound currency because the American Government when it was hard up wanted to make a market for its bonds."

And also the following:

"The American public has become so hardened to the idea of bond-secured currency, with no proper relation to gold, and therefore no automatic elasticity, that we fear there is little chance of creation of a simple, sound, and uniform system of currency. If American bank notes are issued to an unlimited extent on security of railway bonds, we may have to study again the history of Law's Mississippi scheme, and of the French assignats, which were proudly described as paper money based on the firm foundation of landed property."

If the observations of these leading economic authorities are true, it must be self-evident that we are at the parting of the ways now precisely as we were in 1896; and that to adopt the principle of using bonds as the basis of our currency will be far more disastrous in the end than it would have been to adopt silver as our standard of value in 1896.

Very truly, yours, CHARLES N. FOWLER.

Mr. UNDERWOOD. Will the gentleman yield to a question?

Mr. FOWLER. I do not desire to be interrupted now to answer any question, but when I have finished I shall be pleased to answer questions.

The next important question that we want to consider in this country is that of our bank reserves; and I want to say that there is, in my opinion, nothing that is fit for a bank reserve except gold, and that in any country, whatever the standard of value may be, the reserves should be coined out of that standard of value. [Applause on the Republican side.]

Let this be understood once for all. If it is cotton, then coin them out of cotton; if it is wheat, coin them out of wheat; if it is copper,

coin them out of copper; if it is silver, coin them out of silver; but if it is gold, coin your reserves out of gold.

Now, what is the fact about the reserves of this country?

Mr. Chairman, having called the attention of the House to the immediate cause of the panic last fall, which I believe was distinctly a currency panic, I shall now proceed to point out the fundamental defects in our financial and currency practices, which I will not dignify by calling principles or systems. I believe that certain of these defects are most serious and must inevitably, sooner or later, lead to commercial disasters compared with which the experiences of the fall of 1907 may be regarded as a pleasing recollection.

First, I desire to call the attention of the House to the appalling condition into which the reserves of the banks of the country have already come.

I tried to make an estimate of the amount of bank notes, which are nothing but mere promises to pay based upon other debts, Government bonds due twenty-five years from now, which have found their way into the banks of this country and are being held as reserves. I estimated from the information that I could get last year that there were over $200,000,000 of bank notes so held.

Last Saturday, in a conversation with the Comptroller of the Currency (Mr. Ridgely), he said to me: "Mr. Fowler, I do not believe that there are more than $150,000,000 of bank notes, of which we now have $700,000,000—I do not believe there are more than $150,000,000 of them in circulation."

This leaves $550,000,000 of bank notes in the reserves of the banks of this country, one-half of all the cash reserves now held by the banks being in mere promises to pay.

Think of it, gentlemen. Now, how does that come about? I will tell you. A gentleman recently told me that he knew of a trust company that had taken $3,000,000 of the bank notes of one single bank and locked them up so that that bank could make its 1 per cent and over on its circulation, and that another trust company had $2,000,000 of the bank notes of another bank locked up in the bottom of its reserve.

And so, all over this country, the men who have national banks go to the State banks and trust companies and place their national-bank notes in the reserves of these State banks and trust companies, until, according to Comptroller Ridgely, they have crowded five hundred and fifty million of gold out of our reserve, for remember that every dollar of bank notes in our reserves has displaced and crowded out just that amount of gold.

It may be asked why the national banks desire to lodge their notes permanently in the reserves of the State banks and trust companies. It is because they make a profit of about 1 per cent, sometimes more and sometimes less, according to the price of the bonds, and therefore desire to keep their notes out permanently.

A perfect parallel to this process may be found in the fact that from 1793 to 1834 a differential of one-half of 1 per cent in favor of silver crowded every dollar of gold out of this country.

The required reserves of our national banks average about 20 per cent. My investigation last March, the result of which I tried to give to this House, and which contained a prophecy of precisely what

would happen last fall, but which was not listened to very patiently because, as I suppose, people dislike to hear unpleasant things, disclosed the fact that the banks of this country, outside of the national banks, only held 6.35 per cent in cash. According to Mr. Ridgely's opinion, above referred to, probably a half or two-thirds of all the reserves held by the State banks and trust companies, insignificant as the amount was, was in these bank notes—mere promises to pay the debts of the banks.

I have just received the following letter from the Comptroller of the Currency and read it because it discloses the high average of the reserves required by the national banks and the very great and unfair advantage the State banks and trust companies now have over the banks under national supervision:

TREASURY DEPARTMENT,
Washington, January 25, 1908.

Hon. CHAS. N. FOWLER,
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry by telephone, you are respectfully informed that the percentage of reserve held by the national banks during the year 1907 was at the lowest on March 22, being 20.74 per cent, as you will note from the following:

	Reserve required.	Reserve held, including excessive credits with reserve agents.
January 26, 1907	21.68	26.87
March 22, 1907	20.74	25.46
May 20, 1907	21.22	25.79
August 22, 1907	21.33	25.86
December 3, 1907	21.31	24.72

On December 3, 1907, the net deposits subject to reserve requirements aggregated $4,906,684,057.73. A reserve was required of $978,104,566.40, equaling 19.93 per cent. * * *

Very respectfully, WM. B. RIDGELY, *Comptroller.*

Mr. Chairman, in the second place, I desire to call the attention of the House to the 346,000,000 of United States notes still outstanding, mere promises to pay, mere pieces of fiat, issued during the civil war, more than forty years ago, and under the stress of supposed necessity. They have never been paid and canceled, nor retired by funding, simply because neither the Republican party nor the Democratic party has ever had the political courage to do its duty and eliminate this ever-threatening danger.

These United States notes have remained to this day a disgrace to our economic wisdom, a monument to our political cowardice, and what is more, a serious menace to our national credit. Nay, more, they have been a constant source of unsound thought, because their existence has led many to the conclusion that our bond-secured bank notes were fit for bank reserves, on the theory that if the greenbacks were proper reserves the bank notes necessarily must be, because secured by Government obligations.

All of us remember the horror of 1895, when the credit of this nation hung over the precipice of dishonor, and when we were certainly within forty-eight hours, possibly twenty-four hours, of national repudiation, for apprehension had set the endless chain of

greenbacks to work, and our one hundred million of gold had dwindled to forty-one million of dollars.

At that critical moment Mr. Cleveland had the intelligence, the courage, and the patriotism to grasp this monster by the throat, and, against the protests of practically the entire Democratic party, appeal to that great financier, Mr. Morgan, through whose aid our national honor was maintained by controlling the exchanges until we could recoup our gold. I, for one, thank God that a man like Grover Cleveland was President of the United States that year. [Prolonged applause.]

Mr. Chairman, for the information of the House I will read a letter just received from the Treasury Department giving the actual condition of the Treasury on the 8th day of February, 1895, when the contract was signed with Mr. Morgan, and also on the 12th day of February, 1895 when our net gold in the Treasury fell to $41,340,181.11.

TREASURY DEPARTMENT,
Washington, January 25, 1908.

Hon. CHARLES N. FOWLER,
Chairman Committee on Banking and Currency,
House of Representatives.

SIR: In reply to your inquiry of this date (by phone) relative to the issue of $62,315,400 in 4 per cent bonds of the United States dated February 1, 1895, you are advised that the contract for the sale of these bonds in exchange for gold was executed February 8, 1895, and that the first deposit of gold under the terms of the contract was made at New York on February 11, 1895.

The Treasury holdings of gold on February 8, 1895, was as follows:

Gold coin	$52,093,118.07	
Gold bullion	43,288,961.05	
		$95,382,079.12
Less gold certificates in circulation		52,599,019.00
Net gold in Treasury		42,783,060.12

On February 12, 1895, the net gold in the Treasury amounted to $41,340,181.11 the lowest reached since the resumption of specie payments January 1, 1879.

Respectfully,

J. F. MELINE,
Assistant Treasurer United States.

Who can tell when this slumbering danger shall again threaten the credit of the nation and shake the finances of the Government and the commerce of the United States to its very center? Do we not know that we are carrying 700,000,000 of bank notes, 600,000,000 of silver, and 346,000,000 of greenbacks on a mere pin point of gold amounting to only 150,000,000? And yet it is suggested that we may with safety add 250,000,000 more of Government guaranty of paper, 500,000,000 more of Government paper; yes, a billion more of Government paper, which must in the very nature of things lead on to other hundreds of millions and billions more of fiat.

The people of this country, in Congress and out of it, seem to be thinking of isolated facts, of isolated circumstances, not at all realizing that great laws, as certain in their operation as the law of gravitation, must inevitably control the situation and that the measure of our misfortune and misery will be in the degree of our folly.

The third fundamental defect in our Government practices to which I desire to call the attention of this House is the handling of our Government funds.

Think of it, gentlemen; instead of our Government receiving payment and paying its own obligations as all governments, States, cities, and business establishments do, we are actually withdrawing from the channels of trade daily the reserves which ought to continue in a normal relation to the business of the country.

If any corporation or large business house pursued the practices of this Government, I think it should and would be mobbed inside of a week for doing it.

The subtreasury system of the United States has been a curse to the commerce of the country ever since it was established; and it has been more of a curse in recent years than ever before, simply because the business of the country has grown to such proportions and the Government transactions are so large that our practices amount to a threatening commercial earthquake.

Not only is this true, but it is a constant source of suspicion, a source of hatred, and a source of sectional rivalry. Indeed, I do not know of anything in this country that has constantly aroused such a bitter feeling between the various sections of the country as the distribution of this money forcibly withdrawn from the business of the country, and I was on the point of saying forcibly put back in times of stress.

A desperate effort is being made at this very time to get evidence to show how favorite cities, possibly favorite banks, have obtained an advantage by securing an undue share of the public funds. The bank which the Secretary of the Treasury honestly believes needs it most undoubtedly gets the money, but the opinion, the conviction, which necessarily must result from the impression made on the Secretary by the arguments advanced and the showing made controls his action. If the applicant is eloquent and powerful and his influence very great, the Secretary of the Treasury, being human like the rest of us, is moved naturally just as all the rest of us would be.

The United States Government should receive its revenues by check and draft of national banks and deposit its money every day by check and draft and withdraw it from the bank by check and draft precisely as any other business institution does, and should cease to be a disturbing factor in the business of the United States.

It is impossible to pull one million, five million, ten million, twenty-five million, fifty million, two hundred and fifty million dollars of the reserves of this country out of the channels of trade without disturbing our business conditions most disastrously. Nor is the withdrawal of the reserve from the channels of trade much more unfortunate in its ultimate effect than the thrusting of this vast sum back at places and at times wholly without reference to the actual commercial requirements.

You will observe, gentlemen, that I speak of commercial requirements. These transactions have no natural connection with the commercial movements of the country. The transactions of the Government have become so stupendous that the public welfare demands a rational disposition of the public revenues.

I desire to call the attention of the House to the fourth fundamental defect, which is the banking system, or banking practices, rather, of the country.

Our banking system is individual and is the counterpart of that characteristic which, I think, distinguishes our people from those of

a general commercial business, in many cases carrying only such reserves as their own sweet wills suggest or such as may be required by State statutes, ranging all the way from nothing up to 25 per cent.

Such a condition must inevitably lead to a constant warfare between the different banking institutions of the country, and ultimately destroy the national system, if it does not resort to these same sources of profit, because the other institutions, having to carry very slight, if any, required reserve, can pay such a rate for deposits as to ultimately undermine national banks doing a strictly commercial business.

In the face of this destructive competition there has developed recently in the evolution of American banking this practice or device. A national bank—the First National Bank of Chicago is an illustration, and it is one of the greatest financial institutions of this country, and its president is, I think, the greatest banker, distinctly so speaking, in the United States—probably started the scheme because of the pressure of other banking institutions doing all kinds of modern banking, as I have pointed out.

Mr. Forgan, president of the First National Bank of Chicago, has organized the First Trust and Savings Bank, which occupies the floor below the First National Bank proper. The capital of the institution downstairs is, I think, a million dollars, all of which I presume is in the vault of the institution upstairs. This annex to the upstairs institution now has, I think, about forty millions of deposits, and, considering the length of time it has been doing business, is quite the most remarkable of its kind in the United States.

These two institutions I am confident are managed with the greatest of skill and absolute integrity. But this practice is sweeping over the country, and other national banks have taken it up as a method of meeting the competition of the various State institutions which have such a decided advantage over the national banks.

The other day I called the attention of Comptroller Ridgely to the fact, and he said: "Yes, it is being done; and in some cases I am going downstairs or upstairs, as the case may be, and examining these savings banks and trust companies."

Now, will Mr. Ridgely tell us what right he has to go into a savings bank which is carried on under a State law, or into a trust company which is conducted under the State law? None whatever.

So, as you go about the country investigating this question, you will find the national bank on the corner and a savings bank around the corner and the back ends of the two institutions in happy and convenient conjunction; so that when the national bank examiner appears he gets all the best securities of both institutions, and when the State bank examiner appears he has the pleasure of seeing the same best securities.

This thing went on to such an extent in the New England States a few years ago that in Massachusetts and Connecticut at least, and possibly in other States, they passed laws absolutely prohibiting any national bank and savings bank from occupying the same building or from having any connection whatever.

So, too, you will find some unholy alliance with a trust company up the street, down the street, or across the street. These practices were illustrated to an astounding degree by Mr. John R. Walsh in Chicago within the last two years.

After much deliberation I have become convinced that in working out a scientific banking system for the United States it should not only be sound, but wise, from the standpoint of American character, our political institutions and the needs of a vast country, with products almost as varied as those of all the rest of the world.

I have become convinced that the autonomy or independence of each individual bank in this country ought to be preserved, and also that local self-government ought to be vouchsafed to the banking institutions in all the commercial zones of the country, precisely as political self-government was secured to the respective States of the Republic. How successful I have been in working out this thought and practically applying it the sequel of the plan will show.

The organization of the system is this: The Comptroller of the Currency, for additional reasons, which will subsequently be disclosed, shall select certain cities of the United States, which shall be known as "redemption cities," where the notes of the banks of the country shall be redeemed. Of these cities there will probably be in the neighborhood of twenty, and, for the purpose of my argument, I will assume that the number is twenty. All of the banks that may redeem their notes at any given redemption city so selected shall be and constitute a redemption district.

To be more explicit and illustrate the principle or process, let us assume that the city of Boston is a redemption city and that New England is a redemption district. Then every bank in New England which redeems its notes at Boston becomes a unit of the district precisely as every citizen is a unit as a voter—the bank with $25,000 capital votes on equal terms with the bank of $10,000,000 capital. All the banks of New England constituting that redemption district, under a call by the Comptroller of the Currency, will meet upon a day fixed and at a place determined upon, and proceed to elect a board of managers, consisting of seven members, for that district, precisely as you elect a board of managers for a clearing-house association.

Would they elect the same class of men that Boston or New York or Chicago selects as its clearing-house board? Certainly they would. Having elected a board of seven men, the seven men then select one of their number as chairman of that board, who in turn becomes a deputy comptroller of the currency. Now, this board supervise the banks in that district. They employ the examiners. They direct them, and the examiners are paid by the Government out of a fund created and not by the banks as now in the form of fees. This board of managers meet every month at least, but they may meet oftener.

I apprehend that you are confident that this board would know what was in the assets of the banks, especially when they came to realize that that New England district was to pay 10 per cent of the loss of any failures that occur in that district. That would make every banker in the New England district a guardian of the banking interests of New England, and he would invariably report to this board of managers whatever he saw that was wrong.

I apprehend that the examinations made by this board would be very different from the examinations that are being made to-day. I think I may assume that if we had had such a board in New York City, the Knickerbocker Trust Company never would have failed; and that the National Bank of North America, which closed its doors

TREASURY DEPARTMENT,
OFFICE OF THE GOVERNMENT ACTUARY,
Washington, January 27, 1908.

DEAR MR. FOWLER: As you requested, assuming that we are dealing with a country bank, which is required to carry a reserve of 15 per cent, of which 9 per cent may be kept with a reserve agent, the following will show the result before and after the bill (H. R. 12677) went into operation:

	Under present law.	Under H. R. 12677.
Capital of country bank	$100,000.00	$100,000.00
Circulation	100,000.00	100,000.00
Deposits	2,000,000.00	2,000,000.00
Bonds deposited	100,000.00	
Cash reserve:		
On deposits	120,000.00	120,000.00
On circulation		6,000.00
With reserve agents—		
On deposits	180,000.00	80,000.00
On circulation		4,000.00
With Treasurer of United States—		
On deposits		100,000.00
On circulation		5,000.00
Bonds sold		100,000.00
Interest received:		
On bonds	2,000.00	
On deposits		1,050.00
Expenses:		
Tax	500.00	2,000.00
Expenses, general	62.50	62.50
Available loanable funds	1,900,000.00	1,985,000.00

Respectfully,

JOS. S. MCCOY,
Government Actuary.

POSTSCRIPT.—By section 15 of the above-mentioned bill, as soon as the guaranty fund in the United States Treasury amounts to $25,000,000, all of the bonds now deposited by the national banks with the Government to secure Government deposits shall be returned to the bank. So that the full effect of this feature of the bill is, first to buy all the 2 per cent bonds at the actual price paid for them (see sec. 18), and, second, to return all other bonds to the banks.

If, as I confidently believe, the State banks and trust companies become national institutions, 5 per cent of their deposits now exceeding $13,000,000,000, and 5 per cent of the probable amount of credit notes taken out, $1,000,000,000, will establish a guaranty fund in the United States Treasury of $700,000,000.

What would be the effect upon the banking interests of this country? What would be the effect upon the business interests of this country? What would be the effect upon the depositors of the country? What would be the effect upon the hoarders of money throughout the country? What would be the effect upon the foreigners that come to our country and are advised of the fact that there is a guaranty fund of $700,000,000 in the United States Treasury to protect the depositors in our national banks?

In a subsequent section of the bill it is provided that 80 per cent of the vast sum so deposited in the Treasury to guarantee deposits shall be invested in the 2 per cent bonds of the United States Government, which are now held by the national banks to secure their circulation, and any other 2 per cent United States bonds which they may have held on the 1st day of January to secure Government deposits held by them. It is to be observed for the information of the House and the bankers of the country that the 5 per cent of the deposits and the 5 per cent of the note issue are a part of the required reserve of the bank, as is illustrated in the statement of the country bank

a brick house, and the remainder may all be frame houses. On the other half of the block there may be a woodworking establishment, which greatly endangers all of the residences. If you live in the stone house, you find that your insurance rate is exceedingly high, and upon inquiry ascertain that it is so because of the frame house next your own, and especially because of the woodworking establishment on the other half of the block. Yet you readily pay your insurance because of the danger of the neighborhood. This is the application of the law of cooperation so long established and so beneficent in its results that no one now stops to question the wisdom of it.

Mr. Chairman, if there is one reason why this man should insure his life and that man his home, I assert that there are a thousand reasons why the bank deposits of this country should be guaranteed.

I assert that all deposits in our banks are involuntary. Now, why are they involuntary? Because no one has the privilege of putting his money where it will earn a fair rate of interest—say 5 per cent—absolutely free from risk and at the same time be able to recall it if he should desire to use it. Therefore he must choose some bank, and the very fact that it requires a choice between banks implies a risk which he must take.

To illustrate the force of this statement you may take a city that has ten banks. The man who is in business deposits his money in one of these banks because he must have the convenience of a bank to carry on his trade. While, as a matter of fact, he has ten banks to choose from, in the last analysis he must take one of them, even though he has little confidence in any of them. Therefore he is of necessity an involuntary depositor.

Reduce the number to three banks, and he must make a selection of one of the three, although he may have misgivings about all of them. Reduce the number to two, and he is driven to the choice of only one. But there are many places in which he is compelled to use the only bank in the village where he resides. Therefore I assert that there is no question as to the fact that every bank deposit is involuntarily made, at least wherever it involves a choice, and especially where there is no choice.

Think of it. There is not one person in ten thousand in this country to-day able to have a bank account who can understand a bank statement. And of those who can understand a bank statement and explain its various items not one in ten thousand, again, has any idea whatever about the true inwardness of the bank at which he is doing his business. How can he know? He can not examine the loans and discounts of the bank. If he has any information at all, it must be such as he obtains from a statement of some member of the board in whom he has confidence. In the last analysis it is absolutely a matter of faith, and blind faith at that. The depositor is always wagering or betting the total amount of his deposit, whatever it is, that the bank is safe.

The deposit, therefore, must always necessarily be an involuntary one, since a thorough knowledge of the assets is essential to an intelligent exercise of choice, which is absolutely impossible in every case except that of an officer of the bank.

Widows and orphans are constantly putting their money into the banks of the country. Why do they put it in a particular bank? Simply because some friend tells them that he does his business

A Member of this House told me the other day that a suspicion existed in a Pennsylvania town that some workmen who were down in a coal mine intended to blow it up. A search was instituted, and, as a result, $32,000 in actual money was found upon the persons of the miners.

It is known that thousands upon thousands of foreign laborers in this country have been purchasing domestic post-office orders for their savings—losing interest simply to be safe, as they would be with the guarantee proposed, and as they know they would be.

It is altogether likely that, as a result of the conditions which have prevailed throughout the United States during the last few months, such a pressure will be kept up that sooner or later we shall have a postal savings bank in this country in order that the masses of the people may have a safe place in which to put their savings; and then the Government of the United States will have to become a large buyer of bonds to invest these accumulations. For one, I am utterly and absolutely opposed to the Government of the United States doing anything for the American people that the American people can do for themselves. [Applause.]

More than all this; the States are already taking this matter up, and Oklahoma has already passed a law providing for the guarantee of depositors. The legislature of Kansas has been called in extra session for the express purpose of considering the same subject, the banks on the southern boundary of that State having complained that they were losing deposits.

Day before yesterday I received a letter from one of the leading bankers in Nebraska, who said that just as certainly as Kansas passed such a law Nebraska would also pass it; and, although he doubted whether the governor would call an extra session for that purpose, he knew that at the next session of the legislature such a law would be passed.

I believe that such legislation is a form of socialism, and I am utterly opposed to it.

Mr. Chairman, we are occasionally met with the statement that the guarantee of deposits would lead to unsound banking. Can anyone think of a man the day that he gets his life insured purposely running under a street car to have his legs cut off? Can you imagine a man who, because he has insured his house, allows it to go into disrepair? Can you think of a banker, because he had insured his deposits, going into the directors' room and saying, "Gentlemen, we have insured our deposits to-day. Now let us proceed to make some rotten loans."

Is it possible that it will not occur to these directors that their losses must come out of their profits, out of their reserves, out of their capital, out of their reputations? Will they not realize that they can get nothing out of the guarantee until the last dollar of profits, surplus, and capital is wiped out, and the stockholders have been assessed in double the amount of their stock? Until their reputations have been injured, if not gone, and some of them possibly have started on the road to State prison?

Can anybody think that any board of directors of a bank would be less solicitous, anxious, honest, and wise after they had guaranteed the deposits than they were before?

Only the other day I saw in a bankers' bulletin an objection to the proposed measure; and knowing the writer to be a very intelligent man upon this subject, and he happened to be in this city on that very day, stopping at the New Willard, I proceeded to investigate the ground of his objection. Before finishing my conversation with him, having told him that his objection was not in accordance with his known view, he finally admitted that the reason he could not support the bill was that his partner owned 2,000 shares of the stock of a certain trust company, and therefore, of course, he could not support the feature referred to. I knew that as well as he did after he had told me that his partner owned that much stock in a trust company, which probably wanted to carry 5 per cent instead of 20 per cent of reserves, and so to that extent imperil the banking situation generally.

The oldest bank president in some town, or possibly the president of the largest bank in some town, may say that he will not have the advantage in the future to which he believes himself entitled if deposits are insured; therefore there will be two classes who will oppose this principle. But banks, like other business institutions, will gain not by mere age and respectability, or by mere bulk of capital, but rather by ability to meet the requirements of their customers. Square dealing and capacity will tell for just as much after deposits are guaranteed as before.

Is it not too high a price to pay to lay upon the altar of some man's ambition all the business interests of this country and still continue the habit of panics, the destruction of credit, and waste of business? On the one side there are personal ambition, vanity, the supposed advantage of a few hundred men; on the other side millions of depositors with $16,000,000,000 of deposits to their credit in our banks, and the families of 20,000,000 of American toilers. Which side shall we choose? Where does the duty of Congress lie?

So far, without a single exception, I have proved to my own personal satisfaction, actually or morally, that these objections to the guaranteeing of deposits have come from distinctly selfish motives. These, I assert, must yield to the greater good.

The currency now used by the rest of the civilized world is credit currency, with a single exception. That exception is Great Britain, and if Great Britain to-day were not the clearing house of the world she would have a panic almost every week, if not every week, of each year instead of every month. As it is, you find that she has often suspended the bank act and asked the Bank of France to help her out of her troubles.

All the rest of the world—Germany, France, Austria, Belgium, Holland, Scotland, Ireland, Japan, and Canada—have credit currency, $4,000,000,000 of it; yet we have not one cent. Can we enter into competition, half armed as we are, with the commercial world?

Gentlemen, the currency of commerce must be coined out of the productions of the country. Mark what I say; a true currency is coined out of the productions of the country, but it is the right of the people to say that that currency shall be maintained upon a gold basis by redeeming it in gold coin. If a man has a right to have a loan, as soon as he is granted that loan, say of $10,000, he ought to

have the option of having a book credit subject to check or the current credit of the bank.

The people create the bank and therefore the bank should be their servant. The bank should give us our credit in the form in which it suits our requirements and be compelled to buy gold enough to prove all these credits and protect all their depositors.

Allow me to illustrate this principle by taking the city of Dallas, Tex., which we will assume is a redemption city. A vast quantity of cotton is raised in that section, and, as is well known, it is a very expensive crop to produce; and when the picking, ginning, and baling time comes it takes an unusual amount of currency, probably much more than the amount of the capital of the banks of that section. Will anyone say that the farmers of Texas should be compelled to pay the express on currency from St. Louis, Chicago, or New York and return when, if the privilege were given them, the local banks could convert some of their book credits which are subject to check into note or current credit and save all this expense?

Take the city of Pittsburg in the last panic. What happened in this greatest manufacturing center of the world? What would the Pittsburg banks have done without credit currency which they created without authority of law? How much did they issue? Forty-eight millions of credit currency, much of it in one, two, three, and ten dollar bills.

What did the banks do all over the country? They did precisely what nature told them to do. They created current credits, basing them upon the products of the land and the shops. This is precisely what the Bank of England always has done when she has been compelled to suspend the bank act; she has based her bank notes, or created a credit currency, upon the products of Great Britain. I use this expression of course economically, for it only needs to be stated to be appreciated that the commercial discounts in our banks are, economically speaking, the title to all the consumable commodities in the country.

During the last currency panic—for it was distinctly and absolutely a currency panic—we probably issued in the United States two hundred and fifty millions of credit currency; and we have already found, precisely as I said sixty days ago, that as soon as the need of it was over it would all disappear as naturally as it came into existence.

During the panic of 1856 and 1857 the 500 banks then doing business in the New England States increased their circulation from forty-nine million to fifty-five million, and the deposits fell correspondingly from thirty-nine million to twenty-five million; and the very next year, 1858, the circulation had fallen from fifty-nine million to thirty-six million, and the deposits had increased from twenty-five million to forty-seven million, illustrating with what perfect accuracy the book credits, when the pressure for currency came, passed into credit currency, and, when the pressure was over and the panic had subsided, the credit currency immediately passed back into book credits subject to check.

This illustration is a complete answer to every possible objection to the issue of credit currency by banks generally, and by any number of banks, whatever their capital, whether twenty-five thousand, two hundred and fifty thousand, five hundred thousand, or twenty-five million.

What happened in New England in that trying period, in conversion of one form of credit into the other and reconversion into the same form again, has been happening every year up in Canada since the establishment of the Canadian banking system, which, by the way, Canada took from the State of Massachusetts before the civil war.

I have been informed by Members of this House who live along the Canadian border that many Americans took their money out of our banks and placed it in the banks of Canada during the recent currency panic—a sad commentary, indeed, upon the practices that we still permit to exist, and a full and comprehensive reply to those who think that a credit currency involves any danger whatever to the banking interests of any country.

The variation of this change from one form of credit to the other in Canada averaged, in 1906, $3.29 per capita. The same variation or change from book credits to note credits would give the United States an expansion and contraction every fall of about $300,000,000, but, unfortunate to relate, we have not 1 cent of current credit.

Mr. Chairman, another illustration of the mathematical adaptation of credit currency to the present requirements of trade is found in the fact that every three months in Germany there is an average conversion from book credits into note credits and back again from note credits into book credits of $120,000,000.

In the face of these illustrations and the experience of New England before the war, with its 500 small banks, of Canada, with its 35 banks and their sixteen hundred branches, and of the Bank of Germany, with its quarterly variation of $125,000,000, dare any Member of this House rise in his place and say that the board of managers of the redemption district covering the territory surrounding Dallas should not have the right to say that a bank with a hundred thousand capital and a hundred thousand of credit notes out, and a million of deposits, may convert fifty or one hundred thousand of its book credits or debts into fifty thousand or one hundred thousand of current credits or notes and thereby make it possible for the banks of Texas themselves to meet the requirements of the tradespeople and farmers of that great State?

In such a case the reserves of the bank have not been changed to the extent of a single dollar. The debts of the bank have not been increased to the extent of a single dollar. The bank has simply responded to the people of Texas in giving them credit in the form in which their peculiar business demanded it.

I assert, therefore, that the board of managers of any note-redemption district, whether it is at Dallas, or Boston, or San Francisco, or Pittsburg, or New York, ought to have the right to say to the banks of their respective localities: You may convert your book credits subject to check into current credits and supply the needs of the people, whether it is to gather crops or to meet pay rolls.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE and Mr. WALDO rose.

Mr. PRINCE. I ask unanimous consent that the time of the gentleman may be extended for thirty minutes.

Mr. WALDO. I ask unanimous consent that his time be extended, so that he may conclude his remarks.

Mr. PRINCE. Yes; that he may conclude his remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, we have been practicing a species of barbarism in this country ever since General Jackson destroyed the Second United States Bank.

Nothing so grotesque can be found in the administration of the financial affairs of any nation, State, city, or business institution as the practice of this Government in daily locking up a portion of our reserve money. The reserve money of the country should not be drawn from the channels of trade. It should be allowed to flow to the place where it is demanded normally and naturally, without interference on the part of this Government, which sustains no relation to the discounts or exchanges of the country.

The proposed bill provides, as I have already pointed out, that the Government shall receive checks and drafts of national banks for the revenues due it, shall deposit its money from day to day as everyone else does in the course of business, and shall check the same out as everyone else does in the course of business.

The banks of this country will take care of the business of this country if they are only permitted to do so. Certainly the Government will incur no risks, since it will hold approximately five hundred millions in cash and bonds to protest itself against loss.

I have already pointed out the danger which we are constantly incurring by continuing the existence of the United States notes, which ought to have been paid or retired long ago. This bill provides that after the accumulation of the guaranty fund shall amount to $25,000,000 the excess of the accumulations shall be turned into the reserve fund until the amount of gold coin in that fund shall be $346,000,000, when the United States notes shall be converted into gold certificates. Can anyone doubt the wisdom, indeed the importance, of eliminating these United States notes as soon as possible from our monetary system?

There is not imposed upon the United States Government the additional obligation of a single dollar in this bill, and yet we shall pay into the reserve fund in the course of ten years two hundred millions of gold, paying off the demand obligations of the United States to that extent.

I assert that the proposed measure, without the slightest shock to business, indeed literally unobserved and unnoticed, will accomplish the following purposes, which no one will deny should be achieved if at all possible:

First. It will relieve the banks from the danger of holding seven hundred millions of 2 per cent United States bonds.

Second. It will relieve the commerce of the United States from the burden of carrying nine hundred millions of its capital in fixed investment by paying the banks cash for all their 2 per cent bonds and returning to the banks all of those securities now deposited with the Government to secure Government deposits.

Third. It will provide a perfectly sound credit currency, which, while always being redeemed in gold coin, will invariably meet the ever-changing demands of trade in every locality of this great country, never being too great, never too small, but just adequate to our business requirements.

Let us remember the warning of this day; the fortress of all fortresses, the army of all armies, the battle ship of all battle ships is the efficiency of our Treasury. [Prolonged applause.]

Now I am ready for your questions.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman a question. I understand that the gentleman states that the cause of the present panic was the congestion of bank reserves in New York City.

Mr. FOWLER. I did not say anything of the kind.

Mr. UNDERWOOD. The accumulation of the bank reserves?

Mr. FOWLER. I did not say anything of the kind. The gentleman was never further wrong in his life.

Mr. UNDERWOOD. I misunderstood the gentleman. I understood him to say that the bank reserves, the reserves of the banks, coming to New York and being drained out of there without credit currency to take their place was the cause that brought about the present panic.

Mr. FOWLER. No; I don't think I said just that. I said this, that when the panic struck New York and the people of New York made a run upon the banks, and took away about $125,000,000, they did not have the currency with which to respond to the demands from the West and South.

Mr. UNDERWOOD. I will ask the gentleman if the people in New York did not run upon the banks of New York because the reserves in the banks of New York had fallen below the legal limit, by being drawn into the West to move the crops?

Mr. FOWLER. I don't think so. I don't think there were any runs on any national banks in New York City except the Mercantile. I will make one other exception, the National Bank of North America, which they made a run upon because of the association of certain men with that institution; but I don't think there was a run on any other national bank.

Mr. UNDERWOOD. The object of the gentleman's emergency currency——

Mr. FOWLER. I don't have any emergency currency. I am utterly opposed to it.

Mr. UNDERWOOD. Of his asset currency.

Mr. FOWLER. Credit currency. Let us call it a scientific name.

Mr. UNDERWOOD. His credit currency—it is to relieve the banks——

Mr. FOWLER. No, sir; it is absolutely for the advantage of the people and not of the banks at all.

Mr. UNDERWOOD. It is to meet an emergency.

Mr. FOWLER. Not an emergency. I do not admit there is any such thing. It will prevent an emergency. [Laughter and applause.]

Mr. UNDERWOOD. The gentleman is trying to correct an evil. Now, does he not admit an emergency exists to-day, or is there an emergency to-day?

Mr. FOWLER. No; not to-day at all. There is more reserves in the banks than there has been for seven years.

Mr. UNDERWOOD. Then no emergency exists?

Mr. FOWLER. There is no emergency, but there was a great demand for money, and the banks in different parts of the country hoarded it through dread.

Mr. BURTON, of Ohio. Does the gentleman believe that currency secured by the deposit of 5 per cent of its volume, when that 5 per cent is mingled with another fund which is also security for deposits——

Mr. FOWLER. What is that?

Mr. BURTON, of Ohio. You have 5 per cent of the average of your deposits? That is what the gentleman's plan suggests.

Mr. FOWLER. No.

Mr. BURTON, of Ohio. That is to be deposited in this fund?

Mr. FOWLER. But they have the same reserves in the banks that we have now, less that amount.

Mr. BURTON, of Ohio. That is, it is to be deducted from——

Mr. FOWLER. The reserves are identical with what they are now, except this, instead of banks carrying 5 per cent in a reserve city they carry it in the Treasury at Washington.

Mr. BURTON, of Ohio. The part that is reserved to secure deposits?

Mr. FOWLER. Yes, certainly; to guarantee deposits.

Mr. BURTON, of Ohio. And 5 per cent of the notes issued?

Mr. FOWLER. Yes, sir; and the same reserves also in the bank and with reserve agents that they hold to protect deposits.

Mr. BURTON, of Ohio. Does the gentleman believe that would be accepted by the people as a sufficient assurance that all currency would be safe?

Mr. FOWLER. I think that they would think it was a thousandfold as much as required as soon as they looked it up and found out that it would have taken for forty-four years a tax of only thirty-seven one-thousandths of 1 per cent each year upon our deposits to pay the losses.

Mr. BURTON, of Ohio. Does the gentlemen believe that the business community would go through that process of calculation?

Mr. FOWLER. They would not have to do so. I have done it for them. [Great laughter.]

Mr. BURTON, of Ohio. One other point in regard to this. The tax on the amount of currency issued is 2 per cent, I believe?

Mr. FOWLER. Yes, sir.

Mr. BURTON, of Ohio. And with that tax a bank could issue currency up to the amount of its capital, and with the approval of the officials of the redemption district an unlimited amount?

Mr. FOWLER. Yes, sir.

Mr. BURTON, of Ohio. Would not taxation at such a low figure inevitably lead to inflation?

Mr. FOWLER. No more than paying interest on deposits at 2 per cent, for, if the gentleman will think long enough and study this question thoroughly enough, he will find out that there is absolutely no difference between a deposit and a credit note. Again, there can be no inflation where the note can not be held as reserve; any bank holding any of them for that purpose must pay 10 per cent per day.

Mr. BURTON, of Ohio. Well, that is a question on which there is room for some difference of opinion.

Mr. FOWLER. The Bank of France, to illustrate, has a billion of notes out, mere current credits, payable to the people, and has only one hundred million of deposits subject to check. The New England banks before the war ran right along with forty millions of one and

Mr. BURTON, of Ohio. Would not the income to be derived from the issuance of bank notes where the tax is only 2 per cent—with reserve, it is true—be so great in times of high rates of interest, or even fair rates of interest, that it would inevitably lead to inflation?

Mr. FOWLER. The gentleman's question is based on a thing that never occurs in banking, and that is this: When a man borrows he does not borrow notes. Your question is based upon a false assumption, on the borrowing of notes. He borrows credit, or the right to have money. Now, if you should use these notes as reserves, then there might be something to your question; but if the bank holds these notes overnight as reserve it must pay a 10 per cent tax, and so for every day it counts them as a part of its reserve.

Mr. BURTON, of Ohio. It is an additional resource of the banks of just that much.

Mr. FOWLER. What?

Mr. BURTON, of Ohio. The bills that it might issue.

Mr. FOWLER. No more than any other form of taxation. There is no currency in this world, and I challenge you to name one, where there is any tax at all, except the 5 per cent tax on the notes of the Imperial Bank of Germany; and I will tell you now that the circulation of the Bank of Germany in 1898 and 1899, the two years previous to the increase from $66,000,000 to $112,000,000, which occurred in June, 1900, was just what it was afterwards in the years 1900, 1901, and 1902. Therefore it is self-evident that the tax had had no influence whatever upon the amount of the circulation. The demands of trade alone have determined the amount of bank notes in circulation.

There is no tax on the notes of the Bank of France worth mentioning, nor on those of Holland, nor of Belgium, Scotland, Ireland, or Canada. There was no tax imposed on the notes of the banks in the Suffold System, no tax on the notes of the State Bank of Indiana, State Bank of Iowa, State Bank of Missouri, nor the notes issued by the banks of Louisiana, and I challenge you to show where there has ever been a credit-currency system that has ever failed; if you know of any such case, now is your chance. [Applause.]

Mr. HITCHCOCK. I would like to ask the gentleman a question. Do I understand the gentleman to compare the banking power of the United States with the banking power of all the rest of the world very much in favor of the United States?

Mr. FOWLER. No, sir.

Mr. HITCHCOCK. Will the gentleman state what his statement was?

Mr. FOWLER. It stands about $20,000,000,000 to $30,000,000,000.

Mr. HITCHCOCK. Is there any country in the world that has the banking power of the United States?

Mr. FOWLER. No, sir.

Mr. HITCHCOCK. Is there any country in the world where the banking power has increased more in the last forty years than in the United States?

Mr. FOWLER. No.

Mr. HITCHCOCK. How, then, can the gentleman argue that this bond-secured currency system of banking, such as we have had in this country, is so detrimental to this country and its banking power when it has grown more rapidly than that of all the balance of the world?

Mr. FOWLER. I want to go back to the question of the gentleman from Ohio [Mr. Burton]. He asked me if the provision made here for this rate of tax would not be a greater advantage to the banks. Banks are instrumentalities; by them the title to property is transferred from the time you begin to produce it until the time it is consumed. They serve for the transfer of the title of commodities produced by the farmer from the beginning to the end, precisely as the railroad carries the actual commodity, and every dollar of expense that may be laid upon the banking business of this country will be a tax upon labor, a tax upon the farmer. And you may just as well pass a law to compel the railroads of this country which carry the products of the farmer to build their cars out of mahogany as to raise your tax on circulation. It must all be paid by the farmers. You may as well say to the farmer in Texas that he must have a wagon with silver tires in which to haul his cotton to market as impose a high tax upon currency, because it is through the currency alone that you are going to move the crops of the farmer, and he will have to pay the interest that the banks charge him. The Texas farmers would have to pay for their silver tires, would they not?

Mr. HITCHCOCK. I would like to ask the gentleman how he can explain that the bond-secured currency of the United States is so bad a banking system when he makes the statement that the banking power of the United States is greater than that of any country in the world, and that during the existence of this bond-secured currency system it has grown faster than the banking power of any nation in the world?

Mr. FOWLER. We do a great many things notwithstanding some things, you know. [Laughter.]

Mr. HITCHCOCK. Now, let me ask the gentleman another question. Did the banking power of the United States grow more rapidly before the establishment of the bond-secured currency than it grew after the establishment of the bond-secured currency?

Mr. FOWLER. Well, that reminds me——

Mr. HITCHCOCK. I should like to have an answer to the question.

Mr. FOWLER. I think probably the percentage was higher. I was going to be fair with the gentleman. I think if you will look it up you will find that the percentage of increase was higher before they had it. I was going to illustrate the point to save the gentleman. A man once said: "The population of our town in the last two years has increased 100 per cent." I said: "How many people did you have to begin with?" He said: "We had a hundred and now we have two hundred."

We did not have so many people—we did not have so much banking then. It would be easier to make a larger percentage then than it would now. But if you will take the banking of the United States and the rest of the world since 1890, there has been nothing like it in the history of the world, neither here nor abroad; and the banking of other countries has grown almost pari passu with our own, barring the exception of the fact that the country itself has grown so enormously that it has demanded the use of this increased banking capital. Mulhall estimated the entire banking power of the world at $16,000,000,000 in 1890; we had about $5,000,000,000, or one-third; the total is now about $50,000,000,000, and we have $19,600,000,000, or two-fifths.

Mr. HITCHCOCK. I should like to ask the gentleman one more question, whether it is not a fact that 50 miles from the Scotch line, Scotch notes of the Scotch banks are at a discount.

Mr. FOWLER. Of course they are. They do not belong down in that country. But why does the gentleman ask me that question? Does he refer to this bill? Is he making a comment on my proposition? Does he not know, if he has read the bill, that the notes will be good everywhere without charge or discount?

Mr. HITCHCOCK. Because it has been the history of this country that when we have had banks of issue without security bank notes were at a discount as soon as they got outside of the town where they were issued.

Mr. FOWLER. That is a very interesting statement; but if the gentleman had been living and been in business in Cincinnati or Cleveland, in Detroit or in Chicago from 1830 to 1860 he would have found that the bank notes of the Suffolk system of New England were always at a premium of from 1 to 5 per cent, because that was a true credit currency system, every dollar of it redeemable in gold, and that is the only kind I am for. [Applause.] The same was true of what was called George Smith's money, of Chicago. It sold at a premium in every eastern city, and the notes of the Bank of Missouri were so good that they were extensively counterfeited in California in an early day—1849 and 1850.

Mr. COCKRAN. Will the gentleman from New Jersey [Mr. Fowler] allow me a question? I merely want to ask him, for the information of the committee, whether his plan proposes the issue of currency notes against deposits, or simply against the capital and resources of the bank?

Mr. FOWLER. Against the credit of the bank.

Mr. COCKRAN. And the resources of the bank?

Mr. FOWLER. Yes.

Mr. COCHRAN. Assuming that the banks availed themselves of the privilege, has the gentleman computed to what extent it would increase the actual circulation of bank notes in the country?

Mr. FOWLER. I think if this bill went into effect it would raise the reserves of the trust companies about $600,000,000, and that that amount of gold certificates and gold taken from the pockets of the people, from the cornfields and the wheat fields, would be replaced by the credit notes of the banks.

Mr. COCKRAN. Does the gentleman mean that the bank-note circulation would be increased by $600,000,000? I am merely asking the gentleman if he can give the committee a computation as to the amount?

Mr. FOWLER. I think that if we had a credit currency now, these $700,000,000 of bank notes would contract and disappear to a large extent, just as the clearing-house certificates have and just as the bank checks do. Just making a probable guess, I think that the currency would decrease to-day approximately $300,000,000, and that $300,000,000 would come out again next fall, between July and January, to move the crops.

Mr. COCKRAN. I understand perfectly the elastic feature of the gentleman's proposal.

Mr. FOWLER. Yes; but I want to make that point, because the statement bears on the question of whether there would be an increase, or how much it would be.

Mr. COCKRAN. What I desire to ask the gentleman's attention particularly to is this: In the late panic he has said with a great deal of force that about $150,000,000 were withdrawn in New York City alone and secreted by the owners. I suppose the gentleman is aware that the only reason that amount was not quadrupled or increased still more largely was because the banks would not give up anything more?

Mr. FOWLER. Certainly; there is no doubt of that.

Mr. COCKRAN. If the depositors had had their way, the amounts withdrawn and hoarded would probably have been ten times greater?

Mr. FOWLER. Yes.

Mr. COCKRAN. Now, assuming that this system which the gentleman describes were in operation, that appetite for withdrawal would not be diminished if confidence in the solvency of the banks was destroyed and in the honesty with which financial institutions are managed.

Mr. FOWLER. There would be no such conditions in New York with the provisions of this bill in operation, as I tried to point out in the case of New England and the panic of 1857. The currency issue continued and rose because the people wanted something with which to pay their current accounts. The currency rose from $50,000,000 to $55,000,000 in 1857, and from $55,000,000 it dropped to $36,000,000 in 1858, and the deposits went from $25,000,000 up to $47,000,000, the two forms of credit changing places twice in as many years. That is the strongest illustration possible to prove the adaptability of current credits to the requirements of trade. The people want in panics something current, and if they knew that the notes were secured by a fund of $700,000,000, or any great sum, in Washington, no one would refuse one of the notes.

Mr. COCKRAN. The gentleman is speaking about a popular doubt as to the value of the currency. But suppose to-day a condition precisely similar to that of last October, where there was no doubt as to the value of the currency, but grave doubts about the solvency of the banks and about the statements put forth as to their condition. Suppose that condition was to be revived, how would this plan tend to check the appetite for hoarding which the gentleman says, if it had gone on unchecked last October, would have amounted to perhaps ten times the volume actually reached?

Mr. FOWLER. If they could convert bank credit into a note credit, they would take the notes home and keep them.

Mr. COCKRAN. If the banks were authorized to redeem all their obligations by issuing currency notes, it would be very simple, but I fancy the gentleman would hardly go to that extent.

Mr. FOWLER. Yes; this bill provides that the board of managers—although they may have taken out an amount equal to their entire capital—the board of managers in a redemption district can permit an issue of any amount of notes they think necessary.

Mr. COCKRAN. The net result of this plan, then, is that under certain conditions the bank can discharge its obligations to its depositors by issuing additional obligations?

Mr. FOWLER. No; not additional. Just a moment, if the gentleman will pardon me. Not by issuing additional obligations, but simply by changing the form of the debt from one subject to check to one that is current.

Mr. COCKRAN. And so they pay their debts by creating new ones?

Mr. FOWLER. Not at all. They simply convert the debt into another form—it is the same debt.

Mr. COCKRAN. So that in its last analysis it is a plan which would bring about a millennium where every bank can discharge a debt by creating another. [Laughter.]

Mr. FOWLER. No, it does not do that. It does not create a new debt, but simply changes the form of the debt.

Mr. COCKRAN. That is it; it doesn't reduce or discharge the debt; it is a plan by which the bank is relieved of discharging its debt.

Mr. FOWLER. No, not at all; hold on a moment.

Mr. COCKRAN. Let me finish the sentence. As I understand it, this plan simply proposes that the bank be relieved of paying its debt and empowered to get rid of it by creating a new debt?

Mr. FOWLER. Not at all; their notes, every one of them, are redeemable over their own counter in gold.

Mr. COCKRAN. If that is what the gentleman means, it is one of the most comprehensive plans that ever came under my notice.

Mr. FOWLER. That was the intention. [Laughter.]

Mr. COCKRAN. I want to ask the gentleman if this is how the plan would operate. A bank depositor having $10,000 on deposit approaches a paying teller's window under such conditions as we had in New York last October and demands $10,000 in cash. The bank has already issued notes enough to equal its capital. Can that bank then discharge this obligation by issuing another note?

Mr. FOWLER. Not at all.

Mr. COCKRAN. That is what I want made clear. I thought the gentleman said it could.

Mr. FOWLER. They are not a legal tender to anybody. They are a legal tender to the Government and between the banks. That makes them pass everywhere current throughout the United States, but not a legal tender to any person, and they can not be forced upon anybody by a bank, certainly least of all others upon a customer.

Mr. COCKRAN. Then we get back to the original difficulty. The depositor, having made a demand for his money with a view of hoarding it, how does the bank get out under this plan any better than it could before?

Mr. FOWLER. Well, if the depositor did not want a note, he could get the money.

Mr. COCKRAN. That is, assuming the bank had the money.

Mr. FOWLER. I suppose if that ever happened they would do just what they do now; but with a free issue of currency, redeemable in gold and secured by $700,000,000 in the United States Treasury, what happens now would not happen then.

Mr. COCKRAN. That is it. Then your bill would have no effect whatever. [Laughter.] That is precisely what I feared.

Mr. FOWLER. As I have just said, if by any possibility it should occur, as it never has with the Bank of France, which has a perfectly free bank issue, and as it never happened in the Suffolk System, the banks here would do just what they have done and just what the

Bank of England does, which enjoys no credit currency at all, but simply issues notes against gold.

Mr. COCKRAN. The gentleman made that statement on his feet. It seemed to me to be slightly inaccurate according to my reading of the history of that institution. I understood the gentleman to say that Great Britain has shifted her currency to a system of credit currency at each emergency. I may be wrong about it, but my recollection is that the Bank of England never but once actually suspended payments——

Mr. FOWLER. Never but once?

Mr. COCKRAN. Never but once.

Mr. FOWLER. What did it do in 1847, 1857, in 1866, in 1890?

Mr. COCKRAN. The gentleman is speaking of the crisis following the Overend, Guerney & Co. failure in 1866?

Mr. FOWLER. I am speaking of the four instances in which they absolutely suspended and simply issued Bank of England notes, without reference to gold.

Mr. COCKRAN. There was one occasion when that actually happened.

Mr. FOWLER. Oh, four times; and they have prepared to do it twice besides those occasions, with the desired effect of stopping the panic.

Mr. COCKRAN. If the gentleman will allow me, I think we will not differ in a statement of fact about this. There were three occasions when what was known as a suspension of the bank act was authorized. One was in 1846; another in 1857. The third was at the suspension of Overend, Guerney & Co., in 1866, I think. I am speaking entirely from memory. The gentleman knows, because his familiarity with these subjects is undeniable, that under the law governing the Bank of England, outside of the £18,000,000 in notes which the bank may issue on the credit of the debt the Government owes the company for every £5 note in circulation, there must be actually 5 sovereigns or their equivalent in gold bullion in the vaults of the bank. Now, the suspension of the bank act, which occurred three times by permission of the Cabinet, on its assurance that the permission would be subsequently ratified by Parliament, authorized the bank to use the gold in its vaults which did not belong to it, but which properly was applicable to the redemption of outstanding notes, and which by that permission the bank was allowed to apply to the satisfaction of its ordinary bank debts. I do not think the gentleman will differ with me on that. That is, as I understand, the history if these transactions in England. On three occasions this permission was given. Once only it was actually used——

Mr. FOWLER. Oh, I did not yield the floor for a long discussion of this question.

Mr. COCKRAN. I merely asked the gentleman if he differs from that statement of historical facts.

Mr. FOWLER. They have suspended the bank act, as I recall it, four times, and they issued currency or bank notes without reference to gold coin in 1857.

Mr. COCKRAN. Does the gentleman mean that the suspension of the bank act authorized the unlimited issue of paper by the bank and not the mere right to use for its banking debts the gold that under the law was ordinarily applicable to redemption of notes? What was meant by suspension of the bank act?

Mr. FOWLER. The right to loan and issue bank notes without reference to the gold——

Mr. COCKRAN. Was it not the right to use for its banking purposes this other gold, which it held merely as agent for redemption of outstanding notes——

Mr. FOWLER. No; if you want to make a speech you can at some other time——

Mr. COCKRAN. I was endeavoring to get information.

Mr. FOWLER. I have answered you two or three times.

Mr. COCKRAN. I hope the gentleman will allow me to give him credit for having made a most exhaustive statement and a most interesting presentation of his plan. If I have asked these questions, which were intended to test its practicability, it has been with an earnest desire to support it, because in general I am a believer in the principle of asset currency, but under stricter limitations than those the gentleman appears to have imposed in his bill, judging from the statement he has made to us here.

Mr. OLLIE M. JAMES. I would like to ask the gentleman a question. Take a bank that is chartered under the gentleman's bill, say with a hundred thousand dollars capital, and it issues $100,000 of currency. Now, I would like to ask the gentleman if, under the provisions of this bill, it is not within the power of a majority of the directors of the financial zone in which that bank is situated to cause that bank, that has already issued currency equal to the capital stock, to issue an unlimited amount of money, even to the extent of a billion dollars?

Mr. FOWLER. The right to issue any currency they may see fit; but I suppose that if the bank put out one of its notes it would do so when it got another good note in its place, and it could only issue when it had first obtained the amount of gold to protect it, such as the law requires. If it was in the country, 15 per cent; if it was in the city, 25 per cent.

Mr. OLLIE M. JAMES. But back of that money would be only 5 per cent in gold.

Mr. FOWLER. Back of what money?

Mr. OLLIE M. JAMES. Back of the additional currency issue. I am talking now about the additional amount of money issued over and beyond its capital stock.

Mr. FOWLER. It is precisely the same.

Mr. OLLIE M. JAMES. I am speaking of the second and third issues.

Mr. FOWLER. They have the same right to issue notes they would have to take deposits, for there is no difference between a deposit and a credit note; not a bit. In the case of deposit they must have the reserve, and in a case of the credit note they must have the reserve the same as the deposit.

Mr. OLLIE M. JAMES. But do you contend to the House a second issue of currency under the provisions of this bill would be as sound as the first?

Mr. FOWLER. Absolutely immaterial which dollar came first; they are all equally sound, because they are all equally protected by the gold reserve and the guaranty fund.

Mr. OLLIE M. JAMES. I understand they are all equally protected by gold reserve, but the point is, do not you put it within the power of a majority of the directors in that zone the opportunity to impair

the character of money that is issued by giving the right to issue an unlimited amount of money?

Mr. FOWLER. Not at all. In the first place, the banks never issue any money, only current credits, which are redeemable in gold coin. The first safeguard is the gold reserve; the second safeguard is the guaranty fund in the United States Treasury; the third is the fact that the banks in each redemption district must first pay 10 per cent of the losses; the fourth safeguard is the capital of the bank and the character of the directors. There is no more reason for limiting the issue of current credits than there is for limiting the deposits of a bank upon the same conditions.

Mr. OLLIE M. JAMES. Now, say the banks of the country were capitalized at $600,000,000 and had issued $600,000,000 worth of currency, which is equal to their capital stock. They have deposited the reserve that the act requires. Now, the managers in each of these financial zones gives to each bank the right to issue 100 per cent more money; then you have $1,200,000,000 and have not but $600,000,000 of capital paid up; what becomes of the last $600,000,000 issued?

Mr. FOWLER. I do not quite follow the gentleman's question. But there is no money issued at all. It is strictly a question of issuing the bank's credit, maintaining always the same reserves against the bank's credit, for it is simply changing the bank's credit subject to check into current credit; that's all.

Mr. OLLIE M. JAMES. The question I put to the gentleman was this: Under the provisions of your bill the banks organized and capitalized at $600,000,000 can issue $600,000,000 in currency. They have issued that now. They have gone to the directors in the respective zones in which the banks are situated and have said, "We want to issue more money." I say it is within the power of four men out of seven, being a majority, to give to each bank in the United States the right to double its issuance of money, and instead of having $600,000,000 issued they might give them the right to issue $1,200,000,000, and then you would not have any capital stock which was the equal of the first $600,000,000 to help liquidate that last $600,000,000 when pay day came.

Mr. FOWLER. I do not think much of capital in banks at all. I think reserves and the liquid assets are the life of a bank. The Bank of France has only $35,000,000 capital and has outstanding $1,000,000,000 of notes, or about thirty times as much as its capital.

Mr. OLLIE M. JAMES. But there is only 5 per cent——

Mr. FOWLER. Just a moment and I will explain to the gentleman. I do not think as much of the capital as I do of the reserve and liquid assets. The Bank of France, for instance, has $35,000,000 capital, but it has $500,000,000 of a reserve. I presume it has real estate worth more than its capital. The gentleman seems to be laboring under this delusion, that a bank would issue a credit note for a thousand dollars without getting something back for it of equal value. In other words, if a bank received a deposit for a thousand dollars, does the gentleman think it will lend it out without getting something in return? A bank will no more give a man a thousand dollars of its notes than it would give a man some other man's deposit amounting to a thousand dollars.

Mr. OLLIE M. JAMES. The gentleman might make that argument as to banks if we did not have failures of banks and runs on banks every day, if we did not have depositors going around and beating at the doors of the banks and asking for their money; but our experience with banks shows that you have got to bridle their power, and especially so when you give them the right to issue unlimited money that the laborer must take and the farmer must take——

Mr. FOWLER. Does the gentleman call that money?

Mr. OLLIE M. JAMES. You make it legal tender of the Government, do you not?

Mr. FOWLER. Of course to the Government and to the banks, so as to make it good everywhere and not subject to discount.

Mr. OLLIE M. JAMES. Then, if it is not money, why not let the banks issue their checks?

Mr. FOWLER. What difference is it to the depositor whether he has a credit at the bank that he can check for a thousand dollars or whether he has got the bank's note for a thousand dollars? Can the gentleman tell?

Mr. OLLIE M. JAMES. There is this difference: Instead of being the depositor that has this, it is the laboring man, and unless your money is good enough for the laboring man to put in his pocket and rest content with it, it is not good enough for the American people, and they will not be content to take it. [Applause on the Democratic side.]

Mr. FOWLER. Does not the gentleman think that if banks were run as they are to-day and loaned out their credit they would be as safe as they are to-day, especially with $500,000,000 or $600,000,000 in the guaranty fund to protect it? Does not the gentleman think the currency that is redeemed in gold is a safer currency than the national bank-note currency was when it was worth only 35 cents on the dollar?

Mr. OLLIE M. JAMES. I do not think any currency is good when the only thing you have got back of it is 5 per cent in realty and speculative assets, and will bring God only knows what when the crisis comes. Another question that I desire to ask the gentleman——

Mr. FOWLER. The gentleman's last question or remark is based upon something that does not exist at all in the bill, and has nothing to do with this question.

Mr. OLLIE M. JAMES. But the gentleman does admit, however, if I understand him, that these four men, a majority of the directors of the redemption agency, could give to a bank the right to issue unlimited amounts over its capital stock. Is that true or false? Can they do that?

Mr. FOWLER. It could issue currency just as it could take deposits, on precisely the same terms.

Mr. OLLIE M. JAMES. There is no provision of that sort in the gentleman's bill. Is there any such provision in the bill?

Mr. FOWLER. Certainly; I say that they could issue currency precisely as they could take deposits; with the consent of the board of managers, in unlimited amounts, as they could take deposits.

Mr. OLLIE M. JAMES. You provide in this bill that the bank shall pay 2 per cent tax. Is that right?

Mr. FOWLER. Two per cent tax on the circulation?

Mr. OLLIE M. JAMES. Yes.

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. But that does not get into the Treasury of the United States and go to the people, does it?

Mr. FOWLER. Yes, sir; it goes into the guaranty fund, and that currency fund retires the demand notes of the United States Government, amounting to $200,000,000.

Mr. OLLIE M. JAMES. But, wait a minute. Now, you charge these banks 2 per cent tax for issuing this money, do you not?

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. And you put that into the hands of the Government as trustee, do you not?

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. Now, suppose a bank has issued $200,000,000 of money and it pays 2 per cent on it. Suppose it wants to go out of business. Now, has that bank got the right under this bill to go and demand from the Government the tax that has been paid?

Mr. FOWLER. Not a penny of it. It can withdraw its 5 per cent, which is a part of its required reserve, but no part of the tax paid. It can only withdraw its 5 per cent, provided it has no debts of any kind and the Comptroller of the Currency permits it.

Mr. OLLIE M. JAMES. Out of this fund of which this 2 per cent is part, do you not make that fund pay interest to the banks on their reserve, 5 per cent for deposits and 5 per cent to secure redemption?

Mr. FOWLER. Under the bill they get 1 per cent on that 5 per cent.

Mr. OLLIE M. JAMES. Do you not take from this fund that you say belongs to the Government and pay the banks interest on what you have had them to deposit as a reserve fund?

Mr. FOWLER. Not at all; the 5 per cent deposited is a part of the required reserves upon which now, if held with a reserve agent, the bank gets possibly 2 per cent.

Mr. OLLIE M. JAMES. I say that a provision in your bill does that very thing.

Mr. FOWLER. I do not understand it that way.

Mr. OLLIE M. JAMES. Well, I do.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WILLIAMS. If the gentleman will pardon me. The gentleman from Kentucky [Mr. James] asked if in your bill you did not make the Government of the United States pay interest to the banks for part of this very reserve which was deposited by the banks in the Treasury of the United States.

Mr. FOWLER. I said that they paid them 1 per cent interest.

Mr. WILLIAMS. I understood you to say that you did not. I find here section 22——

Mr. FOWLER. The bill here provided that they are to be paid 1 per cent on the reserve funds in the United States Treasury.

Mr. WILLIAMS. I read:

SEC. 22. That every national bank may count as a part of its required reserve the amount it shall have deposited with the United States Treasurer in accordance with sections 11 and 14 of this act, and shall be entitled to receive interest thereon at the rate of 1 per cent per annum, payable annually on the 1st day of July each succeeding year.

Mr. OLLIE M. JAMES. That was my contention, and you said to the contrary.

Mr. FOWLER. I beg your pardon.

Mr. OLLIE M. JAMES. Then I misunderstood you, as gentlemen on this side have misunderstood you.

Mr. FOWLER. That is very simple. That refers to the 5 per cent of deposits, and 5 per cent of note issues with the Government, which are a part of their required reserves now in the banks, and the Government pays them 1 per cent on that reserve; but not 1 per cent on the 2 per cent tax that they have paid in.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. FOWLER. Certainly.

Mr. SHERLEY. I would like now to ask the gentleman my question, and it is this: What was the reason for fixing the amount of capital stock of the bank as the limit of the amount of currency that can be issued by a bank in the first instance?

Mr. FOWLER. Simply an assumed figure, that is all.

Mr. SHERLEY. If it be true, as I understand the gentleman, that the subsequent currency issued by permission of the directors controlling that particular financial zone is based on the same credit as that which is first issued, why should this first limit be made, and why not let the banks issue without regard to the capital stock?

Mr. FOWLER. Because the banks have to have an organization. They want to take out a certain amount of currency, and we fix it at the amount of the capital, because they are required to put up 5 per cent of the amount taken out. Now, they are not compelled to take it all out. If, subsequently, they should consult the managers who are supervising the redemption district, they could take out additional currency. So that was simply a question of administration.

Mr. SHERLEY. If I understood the gentleman right, these issues that may be made, up to a sum equal to the capital stock of the bank, and those they may issue by the permission of these directors in the financial zone will be based upon the same credits and require the same reserve in the banks behind them. Now, is that true or not?

Mr. FOWLER. It is true, but I want to qualify. You say the same credit. I would not say the same credit, but I should say similar credit.

Mr. SHERLEY. I do not mean the same credit, in regard to any particular credit, but, as I understand it, both of them must have a reserve of 15 per cent——

Mr. FOWLER. That is right.

Mr. SHERLEY. In the country, and 25 per cent in cities.

Mr. FOWLER. That is right.

Mr. SHERLEY. And that is all upon which they are issued?

Mr. FOWLER. Except that it is the credit of the bank, and of course no bank is going to incur a debt which it must pay without taking something in return for it. I know the gentleman understands this, but there has been some talk, and the gentleman is just on the point, and so I make that statement.

Mr. SHERLEY. I understand that, but if there is no difference between these notes, in the security that lies back of them, between those that are issued as a matter of right by the banks and those that are issued by permission of the directors, why have the permission of the directors at all? And if the theory of your bill is based on the

idea that your issuance will be in response to trade demands and that there will be absolute redemption when the condition of the trade prevents the notes staying out, because banks must redeem in gold upon presentation, then why have you not simply taken your limit off and left it to trade conditions to say what shall be the volume rather than to the directors in a zone?

Mr. FOWLER. The gentleman states the principle with absolute accuracy. That is exactly my position.

Mr. SHERLEY. That is not your bill, as I understand it.

Mr. FOWLER. But you have to draw a bill with some view to passing it, and also recognize rules of administration.

Mr. SHERLEY. If I understand the gentleman, he has compromised with his position to the extent of limiting the first issue to the amount of the capital of the bank.

Mr. FOWLER. That is all.

Mr. UNDERWOOD. May I ask the gentleman a question on this point of redemption? I understand the basis of the gentleman's bill is the fact that there shall be 5 per cent of gold to redeem this outstanding currency.

Mr. FOWLER. Oh, no; the reserves against the bank notes are precisely the same reserves that are held against deposits. There is no difference between the two.

Mr. UNDERWOOD. But does not your bill provide that there should be 5 per cent of gold for the issuance of these notes?

Mr. FOWLER. No, sir.

Mr. UNDERWOOD. How much gold do you hold to redeem these notes?

Mr. FOWLER. Whatever the law requires now. If it is a country bank it must have 15 per cent, with the privilege of carrying some of it in reserve cities. In the central reserve cities it is 25 per cent in cash, and in those cities that are reserve cities and not central, 25 per cent, with the privilege of 12½ per cent in the other cities.

Mr. UNDERWOOD. The gentleman referred very eloquently in his speech to the fact that Mr. Cleveland, when he was President of the United States, saved the country from a panic by redeeming the greenbacks. I so understood the gentleman.

Mr. FOWLER. No.

Mr. UNDERWOOD. You did not say he saved it from a panic, but he saved the situation.

Mr. FOWLER. He saved the credit of this nation when he gave free silver its first stunning blow. [Applause on the Republican side.]

Mr. UNDERWOOD. Just one minute. What Mr. Cleveland did was to attempt to stop the endless chain—the run on greenbacks. At that time we had $347,000,000 in greenbacks out, and we had $100,000,000 of gold in the Treasury, and yet the people of the country, not having confidence enough in the fact that we had gold, one for four, in the issuance of greenbacks, had a run on the Treasury and started the endless chain; and would not we do the same with the banks when they only had one-sixth of gold to secure the notes? What is the difference?

Mr. FOWLER. The Government has no liquid assets with which to pay anything; but a bank, if it is a commercial bank, should practically have all of its assets in liquid shape.

Mr. UNDERWOOD. But the Government has the whole power of taxation.

Mr. FOWLER. What is the power of taxation worth in a panic?

Mr. UNDERWOOD. It is good to raise gold, as it did raise gold. It was good enough to get gold.

Mr. FOWLER. No; it did not get gold on taxation; it raised it on the credit of the nation, with a promise to pay.

Mr. UNDERWOOD. What was the credit of the nation based on but the power of taxation? There would not be any credit for the nation if it did not have that.

Mr. HARDY. Just one question. I think there is a misapprehension as to a portion of the gentleman's bill. I understand that the first and general underlying proposition is to place the deposits and currency of the bank on the same footing?

Mr. FOWLER. Yes.

Mr. HARDY. I understand the holder of a deposit certificate and a currency bill of the bank may go to the bank and demand gold?

Mr. FOWLER. Yes.

Mr. HARDY. If the bank fails to pay, the Government guaranty of $500,000,000 steps in and takes up the demand?

Mr. FOWLER. Yes.

Mr. HARDY. If the bank continues to fail it goes into the hands of a receiver?

Mr. FOWLER. Oh, no; you can not resort to the Government guaranty fund in any case until the bank has actually failed.

Mr. HARDY. I understand.

Mr. FOWLER. But the gentleman made a statement that implied that you could resort to this in case it made a loss.

Mr. HARDY. No; in case of failure only.

Mr. FOWLER. The profits, reserve, and capital must all be wiped out and the stockholders would have to be assessed before the guaranty fund could be touched.

Mr. HARDY. I understand it as the gentleman does. Now, I want to ask this question: Is there any reason why the debt of the bank on its currency issue should be more sacred than the debt of the bank to its depositors?

Mr. FOWLER. Not at all. I do not make them so.

Mr. HARDY. Your bill is designed to put the depositor and the holder of the currency on the same basis?

Mr. FOWLER. Yes; and with a fund at Washington that guarantees both alike.

Mr. HARDY. And only in case of failure?

Mr. FOWLER. Yes; without preference then.

Mr. FORNES. Will the gentleman from New Jersey yield to me for a question?

Mr. FOWLER. Yes.

Mr. FORNES. The question I desire to ask is this: Did I understand the gentleman's objection to a central bank was the vast extent of our territory as compared with those territories where they are established—in England, France, and Germany?

Mr. FOWLER. That was only one observation I made. There were several others. I would say that the main objection to it is the fact that in this country of ours there is a political situation that is un-

matched by any other country in the world, and I should say that the political situation is the most serious objection of all those made.

Mr. FORNES. Does the gentleman say that owing to the political situation we could not use the same financial institution that has proved to be so satisfactory in other countries?

Mr. FOWLER. I think that if there was a central bank in this country the power of the bank would be sought by political parties, and I am afraid it would be used by political parties for political purposes.

Mr. FORNES. Assume that you could take the power out of political influence?

Mr. FOWLER. Is it possible to do that in this country?

Mr. FORNES. And suppose on account of the vast extent of the country you establish ten branches, each branch to have the power of the central bank, these branches to be established in designated cities like San Francisco, New Orleans, and so situated throughout the land that they would come into the same class that the gentleman's system proposes?

Mr. FOWLER. It is impossible for a central bank, through its branches, to reach the customers, because the gentleman must remember that when you have a central bank in the United States it is never going to do any direct business.

Mr. FORNES. Suppose it did the business of a general clearing house?

Mr. FOWLER. How could that bank or any of its branches give relief to a man way up in the pineries of Washington, where there is a small bank, who wants some currency or wants to convert his credit subject to check into a current credit to meet a pay roll with?

Mr. FORNES. He could reach the branch at San Francisco, which possesses the same power as the central bank.

Mr. FOWLER. How long would it take him to go down to San Francisco to get the credit or cash for his pay roll? This would be accomplished only by rediscounting some of his paper, when he could just as well convert it himself into a current credit.

Mr. FORNES. He could do it by having the exchanges the same as they have in the banking system through what you may call the "clearing-house" system.

Mr. FOWLER. How long would it take a man to go from some particular point, two, or three, or four hundred miles, to your clearing house?

Mr. FORNES. How much longer would it take him to go under the central-bank system than under your system?

Mr. FOWLER. He would not have to go at all. He would simply wire the managers of the district or call them on the phone and get back an answer in an hour or less, possibly, because they would have his reports on file and would know all about him.

Mr. FORNES. But suppose the central-bank system branch would have two directors in every branch city where it is established, would they not understand the condition of that country and would they not be able to give an answer by wire, as under your system?

Mr. FOWLER. I think it would be very impracticable and be very far removed from the business of this country, as compared with the proposition that I have presented.

Mr. FORNES. You think it only impracticable, but it might be possible?

Mr. FOWLER. Oh, it might be possible to carry on the business that way, but not at all as desirable.

Mr. HARDY. I would like to ask the gentleman a question. In case it should be found that it would be impossible to so change our system as to retire the bond-secured currency and issue in its place the convertible currency the gentleman speaks of, or the credit currency, would it not be a step in the right direction if some law could be passed whereby the deposits of banks were rendered absolutely secure and guaranteed by the Government, as provided in the gentleman's bill, even if that were all that could be done? In other words, would it not be a step toward the gentleman's ideal conception if every deposit in every national bank was rendered absolutely safe by the guaranty of the Government?

Mr. FOWLER. I do not approve Government guaranty, but if we could compel the banks to guarantee, it would be advantageous, but the trouble is there is no uniformity in our banking, and some States require no reserves, some of them 1 per cent or 4 or 5 per cent, and this interchange of national bank notes into trust companies for the purpose of locking them up is undermining the banking of this country, and we want it uniform, and we want enough reserves in gold to make our credits absolutely sound.

Mr. HARDY. Now, the point I want to get at is this, if the law was passed that all national banks shall have a guaranty deposit, won't that unify the system of national banks and cause all other banks to come into the field of the national-bank system; and when they have done that, won't all your credit currency be a thing not needed, practically, for the deposits are made absolutely secure?

Mr. FOWLER. Oh, no; you need currency, because you can not use the gold certificates and other reserve money to handle your crops and make up your pay rolls.

Mr. HARDY. As I understand, the great stayback of your proposition is that your currency and deposits would not be liable to be questioned because guaranteed by the Government.

Mr. FOWLER. I do not get the question of the gentleman.

Mr. HARDY. As I understand, the reason why there would not be likely a run on your banking system would be the fact that every man would have confidence in the guaranty of the Government.

Mr. FOWLER. Certainly; the $700,000,000 guaranty fund.

Mr. HARDY. Whether that applied to the currency or to the deposits?

Mr. FOWLER. Yes.

indulge me, to take you as briefly as I can over the road of observation and experience and reflection which I have come, that you may judge thereby of the merit that attaches to what I may say. I see two gentlemen here at least who will, quite likely, follow me, if I give them time, who will speak of the matter from higher standpoints of what I would call the philosophy or the metaphysics of money, finance, and banking. So if you will let me follow my simple road, it may sound a little personal, but I can not help that.

In 1854, a lad of 18, it was my very good fortune, as I regarded it then and as I regard it now, to become employed in a little bank as a junior clerk in the State of New York, in a small town near the center of the State. The bank had $50,000 capital. It had about $75,000 in deposits, and it had a right under the law to issue $50,000 in notes. I observed that the business of the bank was to guard its deposits with proper reserves in money, to protect its deposit line, and to guard its outstanding notes with a proper reserve to protect them when presented for redemption. There were two places of redemption for the notes. One was in the town where the notes were issued, the bank's counter; the other was in the city of New York. I observed shortly that the bank was exceedingly cautious about the use that was to be made of the credit that the bank gave out to its customers in exchange for the obligations that it took from its customers.

As I say, like all banks, it was restrained in its operations by the limitation of its reserve money, and when the relation of things was about normal or satisfactory, it could not loan, if thereby it should be obliged to take its reserve money and hand it to a customer in exchange for his obligations, for that was giving cash in exchange for credit. I found it was the business of the bank so far as possible to give credit in exchange for credit, and the credit made by the bank to the person who gave it his obligation being put upon its books was likely to be transferred from one to another through the instrumentality of checks, and so not peril or prejudice by exhaustion the cash resources. Such credits therefore were fairly given. But the same rule applied to the issue of its notes.

A borrower came to the bank and wished to make a loan. He could not avail himself of the result of the credit if placed on the bank's book and availed of by his checks, which would be transferable in the field of circulation which limited the bank's business horizon. In such a case circulating notes or currency could be perhaps utilized for the borrower's purpose, and perhaps to the advantage of the bank, and the question always arose, "What do you want to do with the proceeds of this credit?" If the man wanted to borrow and buy securities with the money, if he wanted to borrow and pay a note in the next town, the bank would not issue to him its notes; it would not give him credit upon its books. In short, it would not exchange its credit for his, because it was easily seen that through the instrumentalities which he would use, whether by his checks or by the notes which they would give him, he would attack and deplete by so much the cash reserve which supported and protected the whole line of liability. The notes would attack the reserve situation by going strictly to the redemption agent in New York and there be redeemed. His check would exhaust the reserve by being collected in the next town where he gave his check in payment for his notes.

more banks and be drawing interest on $600,000 or more bonds. But they were brought forth as a bank note, secured by the sovereign bonds of a State, and people took the money, and those taking it passed it off on somebody else. No one would go to present it for redemption at the place it was issued.

I remember an incident touching upon that particular point. The institution to which I was related, having no note issue and being inimical to this principle of currency, organized a raid upon these various banking institutions, so-called, that is to say, it sorted their notes and by special messengers sent the notes home for redemption in gold. I remember specially being very diligently occupied for some days in sorting out the notes for a particular bank until we had accumulated some $25,000 or $30,000 of the issue of the bank of Rushville, I believe it was, and three men, with about $30,000 of that money, started for the bank to get these notes redeemed in gold, or bust the bank. They were gone about ten days. Anxiety sprang up in the minds of the officers of my institution as to what had become of these men and the money—particularly as to the money.

At the end of about ten days the men returned with the notes they had taken away and explained that they had taken the prescribed route; they had gone by rail to a certain place, and had taken a stage and had gone to a certain other place; that from thence there was no stage line over to the other place where the bank was, and so they had hired a private vehicle to take them over there, but they were strangers and were under suspicion, and somebody smelled out the object of their visit and they were informed by a committee of men that if they came down there "to break their bank" they had better start back, because neither they nor their money was safe on any such kind of an errand as that, and so they prudently returned. I found then that a bank note, even if secured by the bonds of a sovereign State, was not naturally a virtuous currency, nor was it naturally responsive to any of the requirements of business at all, but it was issued and it operated upon considerations entirely distinct and separate.

Now I found that there was another institution, or rather individual who ran a bank, and his name was George Smith. He came from Scotland, and I presume had a training in the Scotch system of banking. He was a "canny" man, as the Scotch are, careful, judicious, conservative, and wise. He had a limited amount of money, probably $100,000. He found himself in a community rapidly developing, for the comparatively little city of Chicago was the center where the market roads from the country naturally focalized and the products of the country were coming in to be sold and exchanged preparatory to being shipped by the water routes to the east. He found also that there was a considerable activity in the way of building around the city, it had its little factories, and its warehouses, and its dwelling houses, and so forth. He found an absolute poverty in the means of circulation. Some gold had been brought into the country and circulated, and some of those notes I have been speaking of were circulated, but it was as expensive to the banks to get these notes as was gold itself; that is to say, they had to give value to get them equivalent to what they would have to get the gold, only they could get them easier.

Louisiana system were finally taxed out by the desire of the Government "to get revenue," if that was the real desire of the Government, and retired—that is to say, redeemed—all their notes, organized under the national law, and continued their operations as banks in a manner much less effective to the general community than they had performed it before Congress tied up their capital by compulsory investment in securities, viz, United States bonds, to become hypothecated 1,000 miles from home. The banks of the States of Missouri, Iowa, and Ohio were similar to the Bank of the State of Indiana. It was a credit currency system.

As a clerk in this bank in Chicago, as time went on, it was my duty to sort the money, to keep the best, pay out the poorest. That is human nature, too. The money we saved was the money of the Bank of the State of Indiana in our tills, the Bank of the State of Ohio, and of Iowa, and New England money, so far as we desired to have a reserve of currency. We were on a specie basis at that time nominally, but there was very little gold in the reserves of the banks. As I said a few moments ago, in the beginning the public, especially the State of Illinois, thought it had the model system of notes secured by bonds of the sovereign States; but a change came over the situation. State bonds began to depreciate in value in the market. The banks that I have described in the State of Illinois secured by these bonds, one after the other, unable to find gold for exchange for its notes on the first presentation of any volume of these notes, straightway suspended payment. Under the law the banks were closed out and the auditor sold the securities for the benefit of the note holders. These notes were in considerable volume and passed through the hands of our bank, and day after day we sorted these notes with reference to a schedule which showed the value of the securities of each bank; we sorted out and kept those that we considered the best and those that were the poorest we paid out. And that was human nature, anybody would have done it. The net realization to the note holders under that system of the State of Illinois, as a result of liquidation was somewhere between 40 and 50 cents on the dollar.

The loss to the note holders under the George Smith method and the Louisiana system, the Bank of the State of Indiana, and Iowa, and Missouri and Ohio was nothing. And so it came to be borne in on me that what is called a credit currency, which enabled a bank to give its credit in exchange for the acceptable credit of its customers, properly guarded and protected, and based upon sound banking, with honesty and integrity upon the part of the administrators of the credit, was the truest, best, most adequate, and practical system of banking and currency as compared with any other. Now, I think I am through with the sketch I have indulged in. I indulged in it simply for the side lights which it may furnish to the consideration that you have got to give to the great questions of banking and currency, which it is your special duty to consider and determine.

Now, afterwards the Government wiped out all these banks of issue, good, bad, and indifferent, by taxing them out of existence and introducing the national currency system which is now in vogue. So charged was I by the influences of these things I have been speaking about—to wit, the principle of credit currency—that, as a national

banker, when I came into the position of control or substantial control of a large institution I would not issue notes under the national-bank act. The reason why I would not do so was that I would not secure part of my liabilities in the form of notes by especial pledge of the property of the bank to the prejudice of those whom I owed on book account. The profit on circulation was not so very tempting. If it had been, perhaps I would have fallen like most all my friends did.

Now we have got the system as is it. Is it an effective system? Does it meet the needs of the country? Is it responsive to practical needs, and is it in accordance with the true scientific principles which ought to govern banking, and banking functions? They say everything is relative, and a comparison is the best way to show a fact. Therefore I will venture to refer to the historical operations of a great bank in another country—the Bank of France—and ask you to look at its history and our own.

The Bank of France was established about the year 1803, I believe. It has the power substantially unlimited of note issue. Its credit notes in circulation have always been four or five or six or eight times its liabilities on its books. Its notes always circulate as money in the community. It continued undisturbed through the revolution of 1830, which disturbed the political condition of France to its center; it went on undisturbed in its operations and performed its functions, viz, to give its obligations in exchange for the obligations of those engaged in commercial and industrial pursuits, uninterrupted by the coup d'état by which Napoleon III made himself Emperor, it came into the period of 1870 and 1871 when it saw its country devastated—nearly ruined. France was at the close of an exhaustive and futile war, its enemy was in possession of its capital, the country was under duress to pay a thousand million of dollars of war indemnity. It witnessed the rise of the "commune" with its régime of bloodshed, murder—of course all industries suffered—commerce was afflicted, and misery fell upon many people, especially in the besieged cities, but the bank continued its function uninterrupted, without any panic. It did suspend specie payments on its notes, out of prudent considerations, to control or to a degree put a limit upon the foreign export of gold, but at no time during this period of which I have been speaking did gold in France or on the Bourse at Paris, command a premium so high, measured in the notes of the Bank of France, as ordinary paper currency commanded in this country at the close of the most prosperous years the country ever knew.

These things are painful contrasts, and they need to be inquired into. Is the national system of currency and banking as now operating an effective system? It is not inviting to the public at large, for not more than half of the banking institutions and those who desire to engage in that business have embraced the provisions of the national banking act. We have 6,500 national banks organized over the country. They are each independent institutions, with no natural power of attraction toward each other by any law of self interest. On the contrary, as quick as a crisis comes, they become charged with the influence of a mutual repulsion, and each one by the instinct of self-preservation, or a narrow self-interest, begins to pull out of the community the elements of strength for itself. They refuse, as is demon-

strated completely without any illustration—they suddenly refuse to perform the functions of a bank which is to give credit in exchange for the credit of the community. They will no longer extend their credit. On the contrary, they insist upon the liquidation of credits due to them from the public, and the ruinous loss to the industrial classes—those who produce from the soil, those who work in the factories and those who are employed in common labor—can not be measured by any rule that I know of. We only know it is enormous and that the losses and adverse consequences which are so plain will for some time be continued.

Now, is there not need for thorough revision? Do we not want to put the banking and currency system upon the basis where, if you please, the creator of it will be willing to trust it for a day or two? This system, created by the Government, supervised by the Government, in existence for forty-four years, with plenty of opportunity to observe its weaknesses and to strengthen it at points where it was weak, has been held out virtually by the Government to the people as entirely worthy of respect and confidence; and the people, to the extent of four thousand five hundred millions of dollars, as evinced by the debts of the national banks have taken this representation, or this implied representation, as valid and have intrusted their interests to that extent to these institutions. Has the Government set the example of trust and confidence in these institutions it created? No. That is patent, manifest, and notorious—never to the extent of one dollar; it will not even take a certified check on the best of its creatures in payment for a revenue of $100 coming to it from the most responsible citizen. I think the system ought to be revised from the beginning—that is to say, in all the important elements that constitute its foundation.

I shall get along in a few minutes——

The CHAIRMAN. Do not mind the time.

Mr. GAGE. I shall get along to a point where it will appear, and I may as well anticipate it now, that I am opposed to the measure originating in the Senate, which is offered as a curative of the evils and weaknesses that inhere in the system. It will appear further that I regard the bill before you known as the "Fowler bill" as a very comprehensive measure, containing in itself evidence that the author understands clearly and explicitly the principles which underlie the banking and currency relations of the United States, and has brought forth a measure which in contrast to the one offered in the Senate does reach to the fundamentals. We know that something fundamental is necessary—something which will make the national banking system (if we want to keep it going) substantially uniform and more effective in its application to the country's needs; but before any measure that reaches fundamentally to a fine foundation can be inaugurated and adopted some difficulties and embarrassments must be gotten out of the way, and these embarassments lie, in my opinion, in the relation of the Government itself to the business of the community as represented in the banking system.

This bill, if I may anticipate what I may say later, especially provides that, and by an easy method, without expense to the people, cuts out as far as possible these artificialities which hinder and obstruct any possible uniform national system of banking and currency. What are those artificialities? The artificialities that I

speak of not only impair the general structure of banking and currency, but they also embarrass or are likely to embarrass the Government itself. They were born in the civil war. Of what do they consist? First, the legal-tender note—the greenback. If it were necessary to issue them in the beginning, they should long ago have been retired. They were false to the economic requirements of a true currency. Legally equal to gold as a cash reserve for banks, we witness the anomaly of a debt obligation issued by the Government made the legal basis for debt obligations issued by banks to an amount four times as great. They thus weaken the foundation of metallic money, on which the fabric of our whole credit system must finally rest. It is perceived that noninterest notes payable on demand are an immediate economy over time obligations charged with interest, and this benefit the people refuse to surrender. And of course we know that there is a sentiment attaching to the greenback—and the sentiment is a high sentiment, it is a good sentiment, it is a beautiful sentiment—but sentiment and business are not fellow-travelers. They go on different platforms. Not that business should fall below honorable and true sentiment at all, but justice and truth are the true basis of business—not poetry or philanthropy.

Now observe our system of bank notes. It is a device that we brought in at a time of distress to create an artificial market for United States bonds. Their issue, volume, and use bear no relation to the true law which should govern in the field where paper money performs its proper functions.

Now, the result is seen in two directions. In the first place, it has artificialized the price of Government bonds to an extent of at least 20 per cent, measured by the world's standard of value, as found in a free and open market where similar securities are bought and sold. As an incident to this artificialization the Government has become the guarantor of payment for some seven hundred millions of notes issued by more than 6,500 so-called national banks. This is a false relation in my opinion. It ought not to exist any more than the Government should guarantee insurance policies or the notes of customers that a bank has taken.

Further, by the drift of events, and through political pressure, there has been injected into the channels of our circulation some six hundred millions of silver now possessed of its natural commercial value, measured by gold, of about three hundred millions, but maintained at parity with gold through the Government's pledge to maintain such a parity balance. Looked at from the Government's side we have here a direct or contingent liability consisting of United States notes, $346,000,000 silver currency, parity $300,000,000, national bank notes, $700,000,000. Of course this liability is not menacing or embarrassing to the Government at the present moment of time, and is not likely to become so, provided we can continuously avert foreign or domestic wars, and provided, further, that the channels of trade where money circulates, can be to a large degree monopolized by the greenbacks and by silver, or silver certificates. In such a case the Government may not at any early period experience any particular embarrassment, but consideration ought to be had to this, viz, we recognize that a strong metallic chest and an unimpeachable credit in the Government are as essential to success in war as are our Army and Navy.

To the support of the Army and Navy, with but little grumbling, we contribute substantially a hundred million dollars a year for each, but for the economizing of a few millions we fail or refuse to put ourselves in the strong position of financial defense from a Government point of view and drift along in a position which it must be confessed is, and everywhere else in the world is, charged as being a weak and inexcusable position. It is, however, to the reflex effect upon our general banking and currency system that I especially direct your thought. I have said that the path to a more perfect condition in banking and currency is blocked by the artificialities developed by our financial legislation.

Now, there would be no proper cause for complaint about it being blocked if as in the minds of many people it is conceived to be—that the business of banking goes on by the grace of the privilege granted by the Government to certain favorite persons, who exercise the function of banker to exploit the people. If that were the case, the more obstacles, restrictions, and repression the better. When a correct understanding takes the place of these misapprehensions, then it will be perceived that what hinders, restricts, or prevents the just, economic exercise of the banking functions interferes to embarrass an agency which, next below production and transportation in importance, is a minister to that industrial life wherein our material prosperity must be found. Now, in every other relationship existing between men, we know that there are natural laws which spring up by virtue of that relationship. They have to be discovered and recognized, and if obeyed they bring in peace and happiness. It is just as true that in the field of economics and in the field of banking and currency and in finance generally there is a law of relationship which, if observed, will bring in the highest utility and usefulness and prosperity, but which, if violated, as in the law of personal relationships between men, brings in disharmony, confusion, and ultimate disaster.

Now, our history for the last forty years suggests—in fact, it demonstrates in the most emphatic way—that our banking and currency system has at some point at least been out of harmony with the true laws which should govern it.

I am speaking too long upon that subject.

The CHAIRMAN. No; it is the sense of this committee that you proceed until you finish.

Mr. GAGE. Now, the national banking act has operated, in my opinion, to create an extraordinary innovation in bank credits, to induce the banking function to depart very widely from its natural use, which is to minister in the field of industry, production, and exchange, and has built up an enormous fabric of bank credits, represented on the books of the banks chiefly in large cities, an artificiality, and on this great artificiality of banking now rests the immense burden of securities, fixed in form, payable at remote periods of time, that have no relationship whatever directly to productive industry or exchange. How does it do this? I think it is plain. The bank notes are issued to a bank. It gets them into the field of circulation in any way it can, and there is taken out of the field of circulation reserve money in its place, and this reserve money goes into the vaults of the bank and furnishes a basis on which is built up an artificial structure devoted to stocks, bonds, and securities, to which I have just referred.

introduced by Mr. Aldrich; the other is the House bill, which I hold in my hand, introduced by the chairman and referred to you. Both bills, I think, are now before the committee, are they not?

The CHAIRMAN. No; the Senate bill has not come over to us.

Mr. GAGE. The Aldrich bill, I think it will be clear enough from what I have said, I have no sympathy with at all. I do not think it is curative. I do not think it is curative of our evils. At best it is a patch or a panacea, if it even be a panacea, which once in ten years may be availed of when the country is in a condition of intense panic, and when many of the evils of the panic are developing and existing, and it may not be effective then. In the meantime, if adopted, it probably puts us to sleep. It is a gentle narcotic that woos the community into a false repose, I think, from which we will suffer many a nightmare, from which we will awaken at last in trouble and real agony.

Now, in contradistinction to that measure, there is this bill, which, as I said a little while ago, reaches to the foundation of things and it eliminates two of the artificialities which I referred to as blocking the road to reform. It eliminates gradually, or at an early period of time, the legal-tender notes without expense to the Government, through a tax upon circulation—but you are all familiar with the bill and I shall not particularize much about it. It forms a fund which will be applied without cost to the Government, to convert those $346,000,000 of greenbacks against which $150,000,000 of gold now rests, into gold certificates, and especially it operates to put in the foundation of our bank credit the only foundation that can properly be used there under our present standard, viz. gold. It eliminates and takes out of existence the present national bank note currency. It operates, if it is to become a law, to impound the present United States 2 per cent bonds, amounting to about $700,000,000, in such a way that they would never be competitive with a new Government loan in the case of a foreign or domestic war.

Thus the Government would face a situation then, with this law operating and established essentially and radically different from what it occupies now, manifestly stronger. It would have no complications by reason of a demand debt of $346,000,000, and it would withdraw it entirely as a guarantor—as a guarantor of bank notes. Therefore it would manifestly strengthen the Government and eliminate it as an obstacle from the free operation of the banking and currency principle which is sought to be established by this bill.

It does more. The measure operates to coordinate the banks of this country and take away that tendency in a time of strain to repel each other, each one grabbing for its own life, for, if you remember, the bill divides the country into twenty districts, and it affiliates those banks in a way together by making each one of them redeem its own circulating notes at a given convenient city. It establishes a government over these local institutions by a body elected by themselves, consisting undoubtedly of the men of intelligence, power, and strength in the respective banking districts. It causes them to appoint a man, well paid, selected with reference to his endowment, whose business it will be to examine and inspect and report to the local government of that district the conditions and methods of business, the personal characteristics and qualifications of those who administer in that important field. It puts upon the banks of this district a penalty for

a lack of fidelity and faithfulness in doing its work, because it requires that particular district to furnish 20 per cent of the loss occasioned to depositors or note holders by any bank in the district.

The CHAIRMAN. Ten per cent.

Mr. GAGE. Ten per cent. I always think of this as 20 per cent, because I think it should be 20. It puts them under a penalty of 10 per cent for default to the creditors of any one of their number, and makes them share alike with all the rest of the banks in the country for the difference of 80 per cent. These representatives of these districts, 20 or 10—and I am going to say 20, you can call it 10 if you want to—meet together under the terms of the bill from various parts of the country twice a year——

The CHAIRMAN. It ought to be four times.

Mr. GAGE. Well, they meet occasionally at stated periods. These agents who are the administrative officers of these centers are supposed to have imparted to them the powers that exist in a deputy comptroller. Under the jurisdiction of the comptroller himself these representatives are acquainted thoroughly with the methods and administrations of these various districts and the working of the machinery of the banking meet together and compare notes. Would not it be a most useful source from which to derive accurate knowledge and get information as to what was required in the way of reform and improvement of this method, that method, or the other method in different districts of the country? It certainly would.

The stumbling-block in the bill to most everybody, at first blush, is the guaranty of deposits. It stumbled me. I fell right down over that. I said never, never; no, that won't do. You are not going to make a black man as good as a white man by just washing him. But I reflected on this. I studied this bill, and I am persuaded that it is just, equitable, wise, and right that the creditors of the banks which come under the provisions of this bill will have their deposits guaranteed to them as will be the bank's circulating notes held by the general public. The nature of the obligation from the bank is exactly the same in principle whether evidenced by a pass book or by the bank's notes in the form of circulating money; there is no difference in the principle. It may be argued that the man depositing had the right of selection, and he acted upon his own volition, but when he took the note he was under coercion. There is a certain plausibility in the argument, but where there is only one or two banks, or only three banks, there is not much right of choice when a man is under coercion of a business necessity.

The provision for the redemption of notes under this bill seems to me to be scientific, complete, and effective in that it provides out of a general fund the expenses incidental to sending the notes from the place where they may be held, to the place of redemption, and if you were a banker you would understand how restraining it is to pay 50 cents or 75 cents or $1 thousand express charges on the money that you want to have redeemed. Some pressure must come before they will do it. The bill puts the cost upon the issuing bank of express charges if it gets its notes out to distant points.

It forbids under heavy penalty the counting of a dollar of credit notes to be issued under this bill, as a part of a bank's reserves.

And it does another very important thing, in my estimation. It will draw into the banks some five or six hundred millions of dollars

of reserve money to strengthen the volume of liabilities that now exist in the banks of the country as a whole—State and national—without giving any additional power to expand. And when you think of the many banks in this country operating with reserves of 6 or 7 per cent only, you see how weak the foundation of the great credit structure is on which we are resting.

Now, I have told you a little story of my experience and how I came to look at things this way. I think that the gentlemen who will follow me will give you some scientific reasons upon the subject that I have not indulged in.

But if I were in a bank, clothed with the responsibility, which, thank God, I am now free from—for it is a great responsibility to a man who appreciates it and carries it—if I had the responsibility upon me, and haunted by the fear, as I always have been haunted, that by some concatenation of circumstances I might go to ruin and default, by so much destroying the general welfare and causing loss to my depositors, if I desired as I should to promote conservatism in the methods of banking, if I wanted to bring them back to the exercise of their natural function, viz, to the exchange of its credit, I would, as a banker, ask to come under the provisions of this act and I would look with dread and apprehension if the bill offered in the Senate should become a law, for if adopted the curative work which can now be accomplished, or at any rate undertaken, under this bill would not be possible.

Now, it seems to me that this is the critical hour. As I said in the beginning, I believe we have approached in our industrial and commercial life a crisis—a crisis in our legislative function in its relation to banking and currency. We are not in a political panic, and we do not want to get into any. We want to look at the thing from the fundamental principles and the law of true economics, and to be governed by wisdom and without prejudice, and to do our duty as we are able to see our duty.

Now, I have talked too much, and if you want to ask me any questions, go ahead.

Mr. WEEKS. I would like to ask a question. If you were president of the First National Bank of Chicago, and the Aldrich bill passes, would you buy bonds with the possibility that you might want to use them, or would you wait until the time came and then depend on purchasing them?

Mr. GAGE. In the case of the First National Bank of Chicago I should not buy any, because they have got too many now. They have got an overstock. If I were in a country bank, if I may step aside from the particular case of the First National Bank, if I were in a country bank where I stood pretty close to the producers, where the goods of commerce originated, small factories, and where capital is scarce, and where my function as a banker was necessary to the welfare, industry, and happiness of that locality, I would take my chances on going broke before I would take $100,000, if you please, if that was my proportion of this supposed relief, and tie it up in bonds, thus leaving my constituents without the facilities I can now furnish them and so taking from them the use of my banking power for an indefinite period of time.

Mr. WEEKS. This is a pretty practical proposition. The people of this country are satisfied that the circulation now existing is good.

Do you think it would be judicious for Congress to pass the Fowler bill substantially as it is in its entirety and practically change our circulating medium at one jump?

Mr. GAGE. Yes. I think the people would look upon $700,000,000 of bonds, if that is the way it figures up, as security for note redemption guaranty, and for deposits, with perfect complacency. They would be very unreasonable if they did not.

Mr. WALDO. If the Fowler bill were passed according to its present terms it would, in effect, do away with all other banks, wouldn't it?

Mr. GAGE. It would be its hope that it would.

Mr. WALDO. Granting the right to administer trusts and to accept savings deposits, and so on.

Mr. GAGE. It would, as drawn, yes.

Mr. WALDO. It would do away with State banks and State institutions?

Mr. GAGE. Yes. I confess when I come to the savings-bank feature I have a little of what you might call the staggers, because I do not think that anybody ought to take the savings of the poor for profit. That fund which constitutes the savings of the industrial classes, the benefit of it ought all to go to them as it does under the system of New York State, and I think New Jersey——

The CHAIRMAN. Nothing in New Jersey to speak of. There are only a few banks there.

Mr. GAGE. Therefore I think it would be a happy circumstance if the New York savings banks will all go on uninterrupted and not be impinged upon by anything else, because I think it is most equitable to the depositors and is safe and for the interests of the poor—I mean the employed classes—as safe as any that could be inaugurated. But outside of New York City (where that fund is vast) it might be inaugurated, as in this bill it is provided, without particular prejudice.

Mr. WALDO. The only question with me, Mr. Gage, is as to whether doing this through the complication of the savings and trust companies and national banks, wouldn't it tend to turn into permanent investment the business of the banks instead of having them attend strictly to commercial and industrial business? What do you think about that?

Mr. GAGE. I think not under the provisions of the bill, for it permits them to take money on short time—three months—that is, in the trust. I would like to say there that the banks are doing that same thing. I can not describe it to you exactly, but the First National Bank of Chicago, perceiving that they were threatened with ruin by the competition of the trust companies and savings companies, I mean ruin to the profits of their business, they said, we must have some power ourselves. And by an ingenious device or method they took $1,000,000 of their assets and divided them among their shareholders, and with that they incorporated under a law of the State a trust and savings bank. It is separate and distinct, but it is really managed by them and the profits go to the bank. The trust savings company started with $1,000,000 capital, and it has doubled its capital, and it has $500,000 of surplus, and it has about $40,000,000 of liabilities. Other banks are broadening upon that example, and it will be a common practice in the fullness of time.

But that is not the point that just occurred to me. We expect to get a coordination of all the banks under a guaranty of deposits.

What does happen, and what will happen, probably more and more—it may not always happen—but a few months ago, perhaps two years ago, there was an institution in Chicago, the Chicago National Bank, of which Mr. Walsh was president. It had been in business many years. The agency of the Government had been looking at stated periods into its assets, and for a long time he had been violating every law pretty nearly and Mr. Walsh had been advised by letters written to him, which he had respectfully answered and had gone on just the same. But a crisis was finally reached when it came to the knowledge of the Chicago banks and the Clearing House Association, of which he was a member, that Walsh's affairs were terribly mixed up and he was in a "bad way."

I think it crept out from the Comptroller's office, or he felt a little weak and sent somebody to take hold of it, and the clearing-house committee of a Saturday night went over and demanded of Walsh a look at his assets, a demand he could hardly resist, since the Comptroller's authority was on top if he did not respond. They examined them and they found this situation: He owed $27,000,000. He had the highest credit. He had city and county funds, park funds, State funds and other funds, and the more intelligent of the bankers who looked over the assets hurriedly knew that there would probably be a loss if they took over his assets and assumed his liabilities, but they thought it would not do to allow that bank, in the fair, open sunlight of day, going on and doing business and accumulating these large liabilities under the auspices of the Government, to fall down and fail to pay and thus make an explosion in the financial world; so with the advice of some of the best business men in Chicago, among them Marshall Field, having got from the directors all the pledges they could get from them and the turning over of all the collateral from the directors they could get them to turn over, they took over from the bank the whole "caboodle" of assets and assumed and paid with no delay the liabilities of the Chicago National Bank.

They did that under the worst kind of circumstances, viz, where there had been years and years of business which they had no ability to ascertain or find out about, they thought it was for their interests to guaratee the deposits of John Walsh, with the absolute certainty of loss, and if you want to buy the claims of some of those banks at a considerable discount I will agree to negotiate them for you. Well, they learned a lesson, and they adopted another principle, a principle provided for in this bill. By the vote and the voluntary compliance by all the members of the Clearing House Association, they authorized the clearing house at any time and at stated periods to act upon its own volition and on its own account and for the information of the clearing-house committee itself to have a full, complete, and comprehensive investigation of each member of the association, and not only of each member but of every institution that carries the name of bank over it that is cleared or represented in the clearing house by a clearing-house bank, and I can tell you as a safe prophecy, that we are at the end of disastrous failures in the city of Chicago by clearing-house banks since this régime has come in. I am told that Kansas City has the same thing. And other cities will eventually adopt it.

The CHAIRMAN. And at St. Louis.

Mr. GAGE. Now, they are doing as Saint Paul says, without the knowledge of the law as it is required by the law; they are under grace, or something like that. But the law ought not to create so very much. It ought to discover and recognize and sanction. Men who have lived in a free state for a long time work out those rules and plans of action between themselves which are perhaps on the whole the best for them. These when just should be sanctioned by the law and made universal.

But what I have just referred to as the Chicago National Bank is not extreme. They hung a man in Baltimore many years ago. He was a banker and failed, and they hung him to a lamp-post, and I don't think there has been any bank failures in Baltimore since. They cooperate and talk each other over and see to each other before they fail. Under this bill they will see to each other before they fail.

Mr. WEEKS. Don't you think that it is the fault of the Government that the condition existed that did exist in the Chicago National Bank?

Mr. GAGE. Why, yes, you might say so, but the Government is impersonal and its agencies are perfunctory; they are human and the law is not very thorough. The Comptroller can under the law, I believe, have a national bank go under a receiver provided that they fail to pay one of their circulating notes and it goes to protest. I think if a bank goes under its reserve for thirty days and fails to make good, after being notified by the Comptroller, if I remember right—I am a little rusty—an application might be made for a receiver. He can ruin any bank if he has a mind to, by having his examiner take possession of it, but I do not know of any law for it.

The CHAIRMAN. With reference to Mr. Walsh's banking connections in Chicago, is it not true that he had under his administration two other banks than the Chicago National, and it was through the manipulation of the assets of those banks that he was able to borrow—how much from the three banks?

Mr. GAGE. I think about five or six millions. He had an institution incorporated under the law, with a beautiful name, the Equitable, a fine name—the Equitable Trust Company—and in that he gathered money which the Chicago National Bank knew how to use, or rather, Mr. Walsh, in constructing certain railroads. He had another institution to gather money, called the Home Savings Bank, I think, and what they gathered in were contributing elements of strength likewise to the Chicago National Bank.

Mr. WALDO. There is another question I would like to ask, and that is, whether the gold reserve of any bank ought not to be kept in the vault of the bank instead of being deposited in some other bank, where a part of it may be loaned under the present law, and I think under this bill.

Mr. GAGE. This bill strengthens that in the manner that I speak of, and I would answer your question that we allow too much of the reservation to lie at rest in the hands of some other bank; but a portion of the reserve might thus lie in a system that was well established and perfected.

Mr. WALDO. And it is true, isn't it, under the present law, that the money that is deposited in central reserve cities can be loaned up to 75 per cent?

Mr. GAGE. Yes.

Mr. WALDO. So that when the reserve is not with the bank that owns it, there is but 25 per cent that is in actual existence?

Mr. GAGE. That is right, and that is what causes, with the annual returning crop movement, a crisis and a threatened panic in Wall street year after year—that, and because there is no system of credit currency which is held in reserve from which to distribute the credit in whatever manner it should be distributed.

Mr. WALDO. The amount of reserve that is held in New York City at the only times when it is needed in the country is small—between two and three hundred millions.

Mr. GAGE. More than that; between three and four.

Mr. WALDO. So that in the fall, when that is needed by the country, saying it is four hundred millions, there is only actually in existence in New York one hundred millions out of the four hundred?

Mr. GAGE. That forms the reserve for that four hundred; yes.

Mr. WALDO. So that the banks of the country that are supposed to have four hundred millions of reserve as a matter of fact only have one hundred millions in actual existence.

Mr. GILLESPIE. I understand that you consider one of the virtues of the Fowler bill—that is, it requires the banks to carry a gold reserve?

Mr. GAGE. Yes.

Mr. GILLESPIE. But the bill says that it may be carried in gold or its equivalent.

Mr. GAGE. Yes.

Mr. GILLESPIE. How would you interpret "its equivalent?"

Mr. GAGE. I would interpret the "equivalent" at the present as legal-tender notes. I would interpret as another equivalent silver certificates. The silver certificate we have with us—and we can not run away from that—it is a pity, it is a pity, because when the country is strong in metallic money we not only have the bulk of the resources of the banks, but they will have distributed in active circulation through the people a considerable volume of gold or other standard money which, when the time of liquidation comes and the outward movement sets in, may to a degree be drawn and some substitute made in place thereof to the great benefit of the country and the Government.

Now, six hundred millions is a pretty large volume when it is in silver certificates. It is in the hands of the people largely, and as long as it circulates there it will not endanger the Government guaranty for a parity. You have got to have a guard for it, and so far the field of circulation has been given the preference to silver certificates in the case of one and two and possibly five dollar notes, so that money absolutely in men's pockets will absorb substantially the silver certificates, and then they will not be in the bank reserves.

Mr. GILLESPIE. Under that construction of those words it would also practically cover every form of currency that we have. Our bank notes are indirectly convertible into gold. We can take them and get the gold on them. If you are going to allow the banks to keep gold or its equivalent, and if you interpret the present kinds of currency in existence the equivalent of the gold dollar, wouldn't a bank be authorized to keep any of the present form of currency in its reserve as well as gold?

Mr. GAGE. That could be best answered by the language of the bill itself.

Mr. GILLESPIE. It is in just these words, "gold or its equivalent," all the way through.

Mr. HAYES. Mr. Gillespie's point is that bank notes secured by bonds as at present rest ultimately upon the Treasury of the United States for redemption.

Mr. WALDO. Another point: This bill provides that this board of managers in the respective redemption districts, except savings banks and trust companies, may fix the rate of interest that these institutions shall charge and destroy competition between them. Now, do you think that is a wise provision, just that feature—that this board should have the right to fix the rate of interest?

Mr. GAGE. I think it is a wise provision and a necessary one; yes.

Mr. WALDO. It would destroy competition between these institutions.

Mr. GAGE. In that form, yes.

Mr. WALDO. That would leave loans to be placed whether they were good or not, instead of upon how much bonus or interest they would pay?

Mr. GAGE. Yes.

Mr. WALDO. It would be an element to do away with bad loans?

Mr. GAGE. I think so.

The CHAIRMAN. There is one more question that I would like to ask, Mr. Gage. Do you think that this guaranteeing of deposits would lead to unsound banking?

Mr. GAGE. No, sir. I think the fact that under your bill there would be a penalty for neglect of inspection, and that there would be the machinery for inspection, would lead to sound banking. The only restraint upon the bank officer really is the fear of loss, not to his depositors but to his stockholders. That fear and restraint would be as operative under your bill as it is now, and the influence of the inspections and the restrictions that would be formulated by these associates who have to bear part of the risk that that man takes if he goes wrong is a pretty good insurance that he will go right, and if he goes right he will go in conformity with the principles of good banking instead of going loose like a wild horse on the prairie.

Mr. CRAWFORD. What do you say produced this panic?

Mr. GAGE. It would take about five minutes to tell you that.

Mr. CRAWFORD. Take the time.

Mr. GAGE. This, I think, is the true story of it. I spoke a little while ago about the ability of the banks with the present system of currency, with national bank notes to aid them to get in reserve money and expand their loans and discounts on that basis. This went on, and the loans were based not on commercial assets nor put out in the interests of industry or commerce; they were put out to carry fixed forms of securities either in the form of stocks or long-time bonds, and the percentage of loans on these kinds of securities last named, the percentage in proportion, has constantly grown. I hope some of the gentlemen who succeed me will give the figures. Now, the banks in New York and the great centers had the theory that they were the best securities in the world for a bank to loan upon.

If they had margin enough upon these securities, it did not make much difference about the quality of the borrower, as they could at any time take those securities in the market in the stock exchange and sell them and realize the money on them. They forgot that the banks had all the money all the time, and that there never was any stock of money to be got from the street; they forgot that when everybody are sellers under the necessity of contraction there can be no buyers. They forgot that in undertaking to realize upon this class of securities beyond a certain point they would simply ruin the quality of the collaterals which remained behind that they could not market, and they had to draw a line where they had to stop and rest.

That was the situation that was found in the close of the year 1907, viz, extended loans, narrow resources, and a great volume of long-time obligations, which ordinarily would be taken over by the investor, who is the man that ought to have them, for he is the man who has the funds to invest in long-time securities, not the man or the institution that owes money on demand. Anticipating the future and encouraged by the fluency and activity of things, the banks took on as intermediaries between the purchasers of these securities, the investors in these securities, an enormous quantity of these stocks and bonds, which they held in the faith that they would run off on the other side into the investors' hands, and the value would be recovered in the bank, and fresh securities of a similar kind taken on.

Now, as in every fall, the crop movement came, the best we ever had in many respects, and the banks in New York, as my friend over here said, owed between three and four hundred millions of dollars to the interior banks, and the necessities of the occasion compelled the banks in the interior to make their natural and just requests upon the central banks for something to "move the crops." Of course, in the absence of any currency system of the credit kind the banks had no power to help themselves by issuing their notes—I mean the banks outlying all over the country—neither had the New York banks any power to convert their obligations, as evidenced by their books, into note obligations which they might send out, and which, if used, would answer the purpose perfectly well. No; they were obliged to take the cash reserve money on which the local credit structure four times as high rested. Every dollar pulled from the reserve to furnish this temporary use in the country helped to pull the foundation out from under the structure.

Now, there were other elements of destruction. I will not enumerate them. There had been many loud voices of denunciation from many quarters, and they had scared the investor. He did not want to buy at that time, and the banks, moved by a natural instinct to strengthen their position for the outward movement, called upon their borrowers, carrying these securities for payment, and these borrowers tried to pay, they tried to pay by selling their securities, but the investor was not there, he was afraid. Other banks were not in any better position because they were all in the same position, substantially, in relation to the country.

The downward decline of these securities under this pressure in the stock market is well known. The banks in the country had also learned that on three separate occasions their balances in New York had suddenly been tied up, and when they telegraphed for money

that was due them they got wires back saying, "We are not sending currency." They had been embarrassed and choked and garroted on three or four occasions in previous times. They learned something by experience, undoubtedly—human nature will.

There was a crisis, and the banks of the country did not wish to be again surprised, and they telegraphed to the New York banks for money that they did not need, anticipating if they did not get it then they might not get it at all; that aggravated the situation, and the next time it will be worse than it is now. They have learned the lesson more deeply and better. Then was witnessed also the troubles of the Knickerbocker Trust Company, which I know had been looked upon with distrust by the city financial institutions in New York, but they had not power to do anything; they had no personal knowledge, but only instinct, but with a certain belief in their minds that if a crisis ever came the Knickerbocker would be a complicating factor in the situation.

I was told two years ago by men who knew in a general way about it, but they had no power, they could not slander their neighbors, they could not use what they knew intuitively, with no evidence. The Knickerbocker, with 5 or 6 per cent of resources, waved the flag of distress, and what was a crisis and a developing crisis scared the savings banks. The savings banks have a natural pride in meeting the requests of what they call their customers and they undoubtedly drew large amounts of money which they usually kept on deposit with New York banks into their own coffers. How much I do not know. It would be interesting if somebody did know. That and the newspapers and the action of the banks in the country scared the banks and put them to considering the necessity of protecting themselves, as they had before, by shutting down and refusing payment, and that was a panic. Then it was a panic.

Well, what did they accomplish by the clearing-house certificates? They do provide means for liquidation to each other, and thus pass the burdens back and forth according to their respective strength as developed in the clearing house. By shutting down and refusing to pay, but compelling liquidation to them from those who owed them, merchants and manufacturers against whom they held a claim, they strengthened themselves, canceled the clearing-house certificates and resumed. I think that is a fair sketch of the causes of the panic.

Mr. WALDO. I move that a vote of thanks by the committee be tendered Mr. Gage.

Motion seconded and carried unanimously by a rising vote.

(Thereupon the committee took a recess until 2.30 o'clock p. m.)

H. R. 12077, SIXTIETH CONGRESS, FIRST SESSION.

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 8, 1908.

Mr. FOWLER introduced the following bill, which was referred to the Committee on Banking and Currency and ordered to be printed.

A BILL To establish a simple and scientific monetary system, founded upon gold, guaranteed bank notes, and silver, with uniform banking and bank reserves in gold coin or its equivalent; to guarantee all deposits and note issues; and to fix certain rules and regulations whereby the financial operations of the Government shall cease to be a disturbing factor in our trade and commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the passage of this Act the Comptroller of the Currency shall immediately proceed to designate such cities in the United States, not exceeding twenty in number, for the location of bank-note redemption agencies, numbering them consecutively as shall best accommodate and serve the banking business of the country.

SEC. 2. That within thirty days after the designation of the cities for the location of the bank-note redemption agencies, every national bank, with the approval of the Comptroller of the Currency, shall select one of the cities so designated as the place for its bank-note redemption agency, and thereupon the Comptroller of the Currency shall notify all the national banks to meet at their respective bank-note redemption agency cities on a given day, and at a designated place, for the purpose of organizing the several bank-note redemption agencies. Each bank shall be entitled to only one vote, which shall be cast by an officer of the bank who has been duly authorized by a vote of the board of directors thereof, such authorization to be evidenced in writing and under the seal of said bank.

SEC. 3. That the association of all the national banks clearing or redeeming their notes at any one of the cities so designated shall be known as "The [insert number] Bank-note Redemption District."

SEC. 4. That all the national banks of each of the bank-note redemption districts, so constituted, shall organize themselves into an association to be known as "The bank-note redemption district," by electing a board of managers consisting of eight members, who shall serve as follows:

Two of the members shall serve for one year; two of the members shall serve for two years; two of the members shall serve for three years; and two of the members shall serve for four years.

The members so elected shall thereupon determine by lot what the length of service of each member shall be, and they shall adopt rules for the proper conduct of their business.

SEC. 5. That every year thereafter on the first Monday in May all the national banks of each of the bank-note redemption districts shall elect two members to its board of managers to succeed to the vacancies caused by the expiration of the term of the retiring members, and such newly-elected members shall serve for a term of four years. In case a vacancy occurs in said board of managers from any other cause than the expiration of the term of office the board of managers shall fill the same until the next annual election, when some one shall be elected to fill the unexpired term. In the election of all members to fill vacancies in the board of managers each bank shall vote as prescribed in section two of this Act.

After any member of said board of managers shall have served a full term of four years he shall be ineligible for reelection until he has been out of office for at least one year.

SEC. 6. That the board of managers, elected as prescribed in sections four and five, shall on the first Monday of June in each year select a ninth member, who shall thereupon become a deputy comptroller of the currency and shall act as chairman of said board of managers. He shall give his entire time to the duties of his office and shall serve for one year; and his compensation therefor shall be six thousand dollars per annum, payable in monthly installments. The board of managers, however, may increase said salary, provided that such increase be authorized by the redemption district at its annual meeting and assessed pro rata upon capital and surplus of all the banks embraced therein.

In case of a bank failure in any bank-note redemption district, a receiver of the failed bank shall be appointed by the board of managers thereof, who shall determine the compensation of said receiver, which shall be a fixed salary paid from the assets of the failed bank, except where the deputy comptroller is appointed as receiver, when no additional compensation shall be allowed.

Vacancies in said board of managers may occur by death, expulsion, or resignation: and shall occur whenever a member of the board of managers shall be a director or officer of a suspended, insolvent, or failed bank; or when a member shall have been absent from three consecutive regular monthly meetings of the board of managers, unless said absent member shall, previous to such absence, have applied for and received by resolution of the board of managers a leave of absence for a longer definite term, which shall not exceed six months.

SEC. 7. That each chairman of a board of managers, subject to the direction of the board, shall have all the authority of the Comptroller of the Currency so far as the supervision of the banks in his particular bank-note redemption district is concerned, and all the decisions of the courts affecting the office of the Comptroller of the Currency shall be applicable to the conduct of the chairman of the respective bank-note redemption districts. But for the purpose of securing a uniform system of bank reports, all the national banks shall make reports to the Comptroller of the Currency as now provided by law.

SEC. 8. That five members of said board of managers shall constitute a quorum to do business.

SEC. 9. That each board of managers so selected shall have entire and sole charge of the organization and conduct of its bank-note redemption agency, and shall select and direct such a number of bank

examiners as the board may from time to time deem requisite for the proper supervision of the national banks within its redemption district; and thereafter all bank examinations under the direction of the Comptroller of the Currency shall cease, except when in his judgment the public interests demand a special examination, which shall be conducted under his direction.

All compensations paid to the examiners in the several redemption districts shall be in the form of stated salaries, and shall be borne equally share and share alike by the respective redemption districts and out of the general guaranty fund.

SEC. 10. That each board of managers of the several bank-note redemption districts shall meet at least once every month throughout the year at its respective bank-note redemption agency. The day of said monthly meeting shall be the second Thursday in every month, unless the board of managers shall, by vote, select some other day.

And the compensation to be paid to each member of said board, except to the chairman thereof, shall be ten dollars for each meeting.

SEC. 11. That upon the completion of the organizations of the several bank-note redemption districts, as hereinbefore provided, any national bank may retire all or any part of its present bond-secured note circulation by depositing with the United States Treasurer an amount of the present bond-secured notes or of lawful money or both, which will be equal to the amount of its circulation so retired and may thereupon, with the approval of the Comptroller of the Currency, take out for issue and circulation an amount of bank notes, which shall be known as "national bank notes," equal to an amount not to exceed its paid-up and unimpaired capital without depositing United States bonds to secure the payment thereof as now provided by law: *Provided, however*, That before any national bank shall have the right to retire its present bond-secured circulation and take out "national bank notes," as in this section prescribed, it shall first, unless located in its redemption city, make arrangements with a national bank which is located in its redemption city for the redemption of its bank notes in gold coin or other lawful money; and shall deposit in gold coin or other lawful money, with the Treasurer of the United States an amount of money equal to five per centum of its average deposits during the preceding calendar six months, and in addition thereto an amount equal to five per centum of the "national bank notes" it proposes to take out for issue and circulation.

SEC. 12. That any national bank desiring to take out for issue and circulation an amount of "national bank notes" in excess of its paid-up capital may do so, to an amount not to exceed one hundred per centum of its unimpaired capital stock, provided the board of managers of the bank-note redemption agency to which it belongs first gives its approval thereto; that any national bank organized after the passage of this Act shall have all the rights and privileges granted by this Act, and shall be subject to all the provisions thereof.

SEC. 13. That the "national bank notes" referred to in the two preceding sections shall be printed upon paper with green background or or effect, and shall bear these words: "National bank note. Will be redeemed upon demand over its own counter by the ——— National Bank in gold coin or other lawful money. The payment of this note is guaranteed by a fund deposited with the Treasurer of the United

States," and such other words as the Comptroller of the Currency may approve.

SEC. 14. That thereafter every national bank shall have upon deposit, upon the tenth days of January and July each year, with the Treasurer of the United States, an amount of gold coin or other lawful money, equal to five per centum of its average deposits during the preceding calendar six months and five per centum of its "national bank notes" taken out for issue and circulation.

SEC. 15. That as soon as the amount of money deposited by the national banks with the Treasurer of the United States as aforesaid shall reach the sum of twenty-five million dollars, all the bonds now deposited by national banks to secure Government deposits shall be returned to the respective banks to which they belong, and from and after that date any national bank holding a Government deposit shall pay interest thereon to the Treasurer of the United States at the rate of two per centum per annum, and the said interest so received shall be paid into the Division of Redemption of Trust Funds in the Treasury and United States notes of an equal amount shall be retired and canceled and gold certificates issued therefor, as provided in section thirty-five of this Act. The said interest shall be payable as follows: One per centum on the first days of January and July in each year on the average balance during the preceding six months, said deposits shall be equitably distributed as hereinafter provided.

SEC. 16. That any national bank which has taken out "national bank notes" for issue and circulation, in accordance with section eleven of this Act, shall pay to the Treasurer of the United States, on the first days of January and July of each year, one per centum upon the average amount of notes in actual circulation during the preceding six months.

SEC. 17. That the five per centum of all deposits so deposited with the United States Treasurer, the five per centum of all note issues so deposited with the United States Treasurer, and the two per centum paid to the Treasurer of the United States upon the "national bank notes" in circulation shall constitute a common or general guaranty fund for the following uses and purposes, namely: To guarantee the payment of all individual deposits, all bank notes, all bank deposits, and all Government deposits without discrimination or preference, and to pay all the expenses incurred in any way in properly conducting and maintaining the several "bank-note redemption agencies," including the charges for the transmission of bank notes by any national bank to its "bank-note redemption agency," and all expenses of whatsoever kind incurred in the examinations of the banks of the respective "bank-note redemption districts," except as provided in section nine of this Act and all the expenses incurred by the members of the respective boards of managers in the performance of their official duties.

SEC. 18. That the Comptroller and the said deputy comptrollers, the chairmen of the several boards of managers of the "bank-note redemption districts" shall have the direction and control of the guaranty fund, for the uses and purposes for which it is created; that they shall purchase said two per centum bonds, first, from the banks that have them deposited to secure circulation, paying therefor one hundred and four, and accrued interest: *Provided*, That if more bonds are offered than there are funds available for purchase there shall be

taken a pro rata proportion of such offerings, under such rules and regulations as may be adopted by the Comptroller, and the several boards of managers; and after all said two per centum bonds thus held by the banks are purchased, then all other of said two per centum bonds which the owners desire to sell shall be purchased, from time to time at said price, one hundred and four and accrued interest, in the order offered.

SEC. 19. That said "national bank notes," issued in accordance with the provisions of this Act, shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, including duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. Said notes shall be received upon deposit and for all purposes of debt and liability by every national banking association at par and without charge of whatsoever kind.

SEC. 20. That any national banking association, situated and doing business in a central reserve city, or a reserve city, shall at all times have on hand in lawful money of the United States an amount equal to at least twenty-five per centum of its "national bank notes" in circulation; and every other national banking association shall at all times have on hand in lawful money of the United States an amount equal to at least fifteen per centum of its "national bank notes" in circulation: *Provided, however*, That any national banking association situated and doing business in a reserve city may keep seven and one-half per centum, or three-tenths, of its reserve in cash deposits in a central reserve city; and that every national banking association, situated and doing business outside of a central reserve city or a reserve city, may keep four per centum, or four-fifteenths, of its lawful money reserve in cash deposits in a central reserve city, or a reserve city.

SEC. 21. That every national bank may count as a part of its required reserve the amount it shall have deposited with the United States Treasurer in accordance with sections eleven and fourteen of this Act, and shall be entitled to receive interest thereon at the rate of one per centum per annum, payable annually on the first day of July each succeeding year.

SEC. 22. That any national bank desiring to wind up its affairs and go out of business shall be entitled to receive back its advance made to said guaranty fund, less any deductions made because of bank failures or expenses incurred in accordance with the provisions of section seventeen: *Provided, however*, That all the liabilities of such bank have been paid in full and satisfied, or an amount of lawful money equal thereto has been paid into the United States Treasury for that purpose, and the Comptroller of the Currency approves the repayment of said sum.

SEC. 23. That whenever any bank failure occurs after the first day of January, nineteen hundred and nine, one-fourth of the loss resulting therefrom shall be borne by the banks of the bank-note redemption district to which the bank failing belongs, pro rata or according to their respective deposits and note issues, the same being deducted from the interest due such banks upon their deposits in the guaranty fund, and the balance, or three-fourths of the loss, shall be borne by the general or common guaranty fund.

SEC. 24. That from and after the first day of January, nineteen hundred and nine, no national bank shall pay out over its counter any bond-secured bank note, but shall send the same to its bank-note redemption agency, and the bank-note redemption agency shall forward it to the United States Treasury for redemption, cancellation, and destruction.

SEC. 25. That any national bank that shall count any national bank note or notes as a part of its reserve shall pay into the said guaranty fund a penalty of ten per centum per diem on the amount so counted, and any national bank that shall after January first, nineteen hundred and nine, count any bond-secured bank note as a part of its reserve shall pay into the said guaranty fund a penalty of ten per centum per diem upon the amount so counted.

SEC. 26. That any national bank that has a paid-up capital of at least fifty thousand dollars, and the surplus required by law, may act as guardian, administrator, executor, or trustee in accordance with the laws of the State or Territory where situated or located, and the reserves required in all such cases shall be determined and fixed by the board of managers of the "bank-note redemption district" within which such bank is located. All such accounts shall be kept separate and apart from all other accounts.

SEC. 27. That all investments made for the benefit of the accounts referred to in section twenty-six shall be under such rules and regulations as may be prescribed by the board of managers of the respective agencies, subject, however, to any laws that the several States may have passed or may pass limiting, determining, and prescribing such investments.

SEC. 28. That from and after the passage of this Act no national bank shall pay on any commercial account a higher rate of interest than two per centum per annum upon monthly balances. Nor shall time certificates be issued for a shorter period than three months, the rate of interest thereon being fixed from time to time by the boards of managers of the respective redemption districts. In no case shall a time certificate be transferred or converted into a commercial account. Nor shall this be accomplished in any way directly or indirectly, and any bank that violates this section shall pay into the guaranty fund a penalty of ten per centum upon the amount so transferred or converted.

SEC. 29. That the Comptroller of the Currency and the deputy comptrollers, who are the chairmen of the boards of managers of the respective "bank-note redemption districts," shall meet at least every six months at such place as the Comptroller shall designate, and such regular meetings shall be held on the second Tuesday of April and October in each year, unless the Comptroller and the deputy comptrollers by vote select some other day and month.

SEC. 30. That the Comptroller shall always act as chairman of said meetings and except as herein provided shall continue to exercise all the authority and powers now exercised by him. The said deputy comptrollers shall report to the Comptroller all violations of law, and give him such information from time to time, as he may call for.

SEC. 31. That under the direction of the Secretary of the Treasury it shall be the duty of the Comptroller of the Currency to enforce the provisions of the national banking laws, and the said deputy comptrollers shall render him such assistance and services as he may require.

SEC. 32. That the Comptroller and the said deputy comptrollers, the chairmen of the several boards of managers of the "bank-note

redemption districts" shall have the direction and control of the guaranty fund so far as it may be necessary to use it to facilitate and effect the redemption of the national bank notes at the several agencies, and shall have power to determine in what securities said guaranty fund shall be invested, if at any time it shall be necessary to purchase other and additional securities than the United States Government two per centum bonds now outstanding, as herein provided.

SEC. 33. That from and after the date that said guaranty fund shall amount to the sum of twenty-five million dollars the Secretary of the Treasury of the United States shall deposit from day to day all Government receipts from whatever source received in such national banks as he may select: *Provided, however*, That after the first day of January, nineteen hundred and nine, it shall be the duty of the Secretary of the Treasury of the United States to deposit said funds equitably throughout the several States and he shall not have and keep on deposit in any one national bank an amount of money greater than fifty per centum of the capital thereof.

SEC. 34. That from and after the date that said guaranty fund shall amount to the sum of twenty-five million dollars all debts and obligations of whatsoever kind owing to the United States Government, including stamp sales, internal revenues, and duties on imports, may be paid by check and draft given by any solvent national bank or by draft accepted, or check certified by any solvent national bank, and all debts or obligations owing by the United States to others shall be paid by check or draft upon a national bank which is a United States depository, or upon the Treasury or one of the subtreasuries of the United States, at the option of the Government.

SEC. 35. That whenever the accumulations from said guaranty fund, arising from the interest on said bonds, and interest upon any part of said fund deposited with national banks, and the tax upon the national bank notes, shall reach twenty-five million dollars, after paying all the expenses as provided in section eighteen and meeting any losses due to bank failures, the excess remaining over and above said twenty-five million dollars on each succeeding first days of January and July in each year shall be paid into the Division of Redemption of Trust Funds of the United States Treasury in gold coin, and as soon as the Secretary of the Treasury shall receive and cancel an amount of United States notes equal to the gold so paid in he shall issue gold certificates therefor. And when the Secretary of the Treasury shall have so retired and canceled one hundred and ninety-six million six hundred and eighty-one thousand and sixteen dollars of the United States notes, he shall transfer all the gold coin and bullion in the reserve fund, amounting to one hundred and fifty million dollars, to the Division of Redemption of the Trust Funds, and thereafter no national bank shall hold a United States note as a part of its reserves, nor shall there be paid out of the United States Treasury any United States notes, but the same when received shall be canceled and destroyed and gold certificates issued therefor.

SEC. 36. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

ADDRESS OF HON. CHARLES N. FOWLER, CHAIRMAN COMMITTEE ON BANKING AND CURRENCY, ON THE FINANCIAL SITUATION, BEFORE THE ILLINOIS MANUFACTURERS' ASSOCIATION, AT CHICAGO, DECEMBER 10, 1907.

ADDRESS OF HON. CHARLES N. FOWLER, ON THE FINANCIAL SITUATION, BEFORE THE ILLINOIS MANUFACTURERS' ASSOCIATION, AT CHICAGO, DECEMBER 10, 1907.

Mr. President, and Gentlemen of the Illinois Manufacturers' Association: More than seventy years ago a Green Mountain State young man, after marrying the best woman that ever lived, came across the Great Lakes; and, passing through Chicago, then a most uninviting place, went into the interior of this State, selected a prairie farm, skirted by beautiful woodland, and, planting his family altar near a splendid spring which came bubbling up from a great ledge of limestone, there, with only a single neighbor within a dozen miles, built the log cabin within which I was born.

Whenever I revisit this old stamping ground of my childhood, I lay me down by that goodly spring, and again, as in the hot summer days of my youth, nurse at the bosom of mother earth, forgetting almost a half century of an active life.

Again, after my college days, I came to this city, and, almost within a stone's throw of where I now stand, became a student at the Chicago Law School, graduating there in 1879.

Your invitation, then, to come here upon this occasion was the voice of old friends and neighbors calling me home; yes, it was something more—it was the call of my country, and patriotic duty compelled me to accept.

Under present atmospheric conditions I feel as though I am in a measure upon the witness stand, and that you are entitled to know whether there is any reason for discrediting the statement of the witness.

In these days of surprise, doubt, fear, suspicion, hate, malice, revenge, and reprisal, I feel constrained to divest my hearers of any possible thought of me as in any way identified with the banking, railroad, or so-called "trust" interests, in order that my words may not be misinterpreted through a misapprehension.

A MANUFACTURER TO MANUFACTURERS.

More than twelve years ago, when I began this campaign for a gold standard and currency reform, I disposed of what bank stock I then had and have not owned a single share since. Nor do I own a single share of railroad stock or a railroad bond. Nor do I own a single share of stock or a bond in any one of the so-called "trusts."

I am essentially one of you, a manufacturer, and have been employing about 500 men, although I regret to say not so many just now. Therefore we may have a heart-to-heart talk and my words be taken for what they are worth from the standpoint of the manufacturer.

PATRIOTIC DUTY.

If I saw the Government of my country going wrong, radically wrong, and pursuing a policy that must inevitably lead to financial disaster, commercial ruin, to immeasurable losses to the people, to national discredit and disgrace, and yet did not earnestly protest and do all in my power to prevent these consequences, I should be untrue to myself, unworthy of the trust reposed in me, recreant to my duty, and a traitor to my country.

If upon this occasion I shall show you that we have been going wrong in our finances ever since the civil war, and that the fundamental evils then incorporated into our financial and currency practices are now leading us directly, unerringly, inevitably, and swiftly to conditions that will certainly outparallel the difficulties, disasters, and disgrace that may have ever visited any civilized country, what will your duty be? What is more important, what will your action be?

True patriotism and love of country find their finest exhibitions in the civic walks of life; because here there is none of the glamour and glory of war, very little public inspiration, and their compensation comes in the silent consciousness of duty done.

Are you patriotic, loyal and self-sacrificing enough to fight for such a reward?

THE UNITY OF THE COUNTRY.

As in 1896, certain sections of our country were arrayed against certain other sections, brought about through misstatements and misapprehensions, and men raged against the "gold bugs" as if they were public enemies, and when one conspicuous politician visited New York, he called it the enemy's country.

Gentlemen, there is no enemy's country anywhere under the Stars and Stripes!

So to-day I learn from my fellow members of the House of Representatives and from editorial comments that there is a profound misunderstanding and a consequent most unfortunate misapprehension of the present situation.

Meeting a United States Senator from the West just one week ago to-day, he said: "If your damned New York and Chicago bankers had paid us our money, we should have been all right."

No bank can or is expected to pay all its depositors in a day. Suppose that the banks of the Senator's home town had not had a single dollar in the Chicago or New York banks. Would the Senator say that his home banks could have paid all their deposits upon demand? No. Now, who are the depositors of the Chicago and New York banks? Not only the merchants and manufacturers of those great cities, but the country banks, including the banks in the Senator's own town.

Does anyone believe that the clearing-house committee of Chicago is less true and patriotic than the clearing-house committee of St. Paul or Duluth, or of St. Louis or New Orleans? Or that the clearing-house committee of St. Paul or Duluth, or of St. Louis or New Orleans, is less true and patriotic than that of Kansas City; or the Kansas City committee less so than that of Denver; or the Denver

committee less so than that of Salt Lake City; or the Salt Lake City committee less so than that of San Francisco?

Does anyone believe that the clearing-house committee of Chicago is more true and patriotic than the clearing-house committee of Boston, Philadelphia, or New York?

Gentlemen, all the banks are relatively in the same position; and I think it can be truthfully stated that the action of our bankers throughout the whole country during the recent trying circumstances is a source of profound satisfaction, while the self-control manifested by the people generally, North and South, East and West, is a guaranty of republican institutions.

Any man who attempts to arouse and set one section of our beloved country against another, or array one class of our people against another because it happens to be more powerful politically, is not a true friend of the people—indeed, he is an enemy of the Republic.

All things considered, if there is one class of our people more unfortunate than another, or one spot in our great country more sorely afflicted than any other, it is the wealthy people in the city of New York. Then why should blame rest there? Can anyone upon second thought think that any people would consciously and willingly court misfortune? No, gentlemen; let us be true, square, intelligent, brave men, and seek out the real causes and put the responsibility where it rightly belongs. No manly man, no patriotic man, no lover of his country, will desire to do less.

INVESTMENT CAPITAL.

The financial condition of the United States is very similar to that throughout the world; because, from the standpoint of investment capital, the whole world over is practically one.

Let no one suppose that I am not aware that the Spanish-American war, the Boer war, the Baltimore fire, the Japanese-Russian war, the San Francisco earthquake and fire, the Chilean earthquake, all combined consuming about $4,000,000,000 of wealth, and the tremendous expansion in railway and trolley building and equipment, in mine development, and in the increase of manufacturing plants, had, by the first of the year 1907, completely exhausted the investment fund of the world and made large encroachments upon the commercial fund.

CURRENT EXCHANGE.

On the other hand, gentlemen, mark this difference. The commercial condition in the United States is very dissimilar from that to be found anywhere else in the world, so far as I know, because no other country has so poor a mechanism of current exchange as we have. So far as I can judge, no such condition could exist anywhere else in the world except here, and I am convinced that if we had had such a system of currency as Canada or France now has the currency panic of 1907 would never have occurred, and we should never have been conscious of the fact that we were handling agricultural products worth more than $7,000,000,000, in connection with the output of our mines and factories, valued at more than $18,000,000,000.

THE INTERRELATION OF BUSINESS LIFE.

Without a clear comprehension of the oneness of the whole world in all matters involving capital and the essential importance of an efficient mechanism of current exchange, it would be impossible to judge wisely, broadly, and justly the present situation and to comprehend the fact that not to any locality or class of men, but to the want of a scientific, sound, and wise financial and currency system, is due the commercial misfortunes from which we are all now suffering, from the Atlantic to the Pacific, from Canada to the Gulf.

COMMERCIAL ONENESS.

Though we may now live thousands of miles apart, yet we are within speaking distance of each other. So marvelous is our age, so intimate are our business relations, and so completely one is our country that no part of it can seriously suffer without some injury to every other part.

As the pebble thrown into the lake sends its ripples to the farthest shore, so every business house in our ocean of commerce impresses itself remotely upon every other business house, and so every bank in our sea of commerce indirectly, at least, affects every other bank. In other words, one and all are links in the endless chain of our interdependent life.

THE MAGNITUDE OF THE TASK.

Let us pause for a moment and consider the magnitude of our task, lest we fail to appreciate the importance of this hour.

It is estimated that our productive power to-day equals the labor of 500,000,000 men, or one-third of the population of the earth, our products this year exceeding in value $25,000,000,000. Seventeen years ago, in 1890, our products were worth only $12,500,000,000, or exactly one-half of what they are worth to-day.

In 1950 our 85,000,000 people will number 200,000,000; and it is estimated that through invention and discovery their potentiality will then be doubled. But, upon the ratio of to-day, their products then would seem bewildering to us now, being worth $60,000,000,000; while if our banking capital should correspondingly increase from $16,000,000,000 in 1907 it would amount to $40,000,000,000 in 1950, or more than all the banking power of all the world to-day.

To anticipate the conduct of such stupendous business as these figures imply and provide a scientific, sound, and wise financial and currency system is the most important question now before the American people.

THE LACK OF ECONOMIC THOUGHT.

Just eleven years ago we fought the most gigantic political battle since the civil war and established the gold standard.

Starting from this point, I propose to outline a course of legislative action which I assert is essential to the establishment of a scientific, sound, and wise financial and currency system.

Has it ever occurred to you that there is scarcely a law upon our statute books affecting our finances and currency which is clearly

maintaining them upon a parity with gold and thereby justifying as best we can their use as reserves. Let us not forget that both our silver and United States notes are serious stumbling blocks, though not insurmountable obstacles to our becoming the financial center of the world, provided they may be practically eliminated in time from our financial calculations.

With all questions of a proper kind of reserve settled, there are those who say that the only mechanism through which we can secure a scientific, sound, and wise currency system is a central bank.

CENTRAL BANK.

Undoubtedly there are some here who may expect or desire to hear what I think upon this subject. Therefore I shall frankly express myself upon its various phases.

First. A great central bank is in my opinion a political impossibility at present.

Second. I am confident that if one were possible there is no such genuine knowledge in this country of the various aspects of the subject involved as would justify any right, proper, or adequate conception of a central bank that would meet the present needs, to say nothing of anticipating the commercial development of the country during the next thirty years.

Third. The establishment of a central bank in 1793 and again in 1817 was one thing; but the establishment of such an institution to-day would be a vastly different thing, when you recall the fact that the present banking power of the United States now exceeds $16,000,000,000, and is greater than the entire banking power of the world in 1890—only seventeen years ago.

A corresponding increase during the next thirty years will make our banking power more than $40,000,000,000, or $3,000,000,000 more than the entire banking power of the world to-day.

From my experience in public life, I venture the prophecy that it will take several years, possibly a quarter of a century, to educate the public to that degree of intelligence and appreciation that will justify a favorable vote in Congress for the establishment of a financial institution adequately meeting the commercial requirements of this great country; and to attempt it now and put such an institution into a strait-jacket would be one of the greatest misfortunes that could befall us.

Let me call your attention to the startling fact that it was four years after the decisive victory in favor of the gold standard in 1896 before the gold-standard act was passed—March 14, 1900.

CENTRAL BANK NOT ESSENTIAL.

I am one of those who do not regard a great central bank as essential to a scientific, sound, and wise banking and currency system for the United States, provided we can unify and coordinate our banking interests, bringing them substantially into one system which will secure universal cooperation and the strength of a combination of our entire banking capital, and even with a central bank the same coordination must be effected.

THE 10 PER CENT TAX.

It may be suggested in this connection that the 10 per cent tax be removed from State bank notes as a relief to the situation. But on second thought no one can hope to see that done, because the reserves required by many of the States are not of the right character or sufficient in amount to protect the public.

Again, the variety of the notes would equal the number of the banks; or, even if each State supervised and furnished the notes of its banks, we should have forty-six kinds of notes, all paying a discount when away from home. The convenience and economy of the public require a currency good everywhere and national in its character.

If practically all the banking interests are brought under national supervision, two things at least will result with reference to the reserves—the quality and quantity will become uniform, and the bank notes will no longer drive out gold by displacing it in our reserves.

WHAT IS ESSENTIAL.

Our reserves must all be of the same character—gold or its equivalent—because gold is our standard of value.

Our reserves in all of our financial institutions must be adequate to prove our credits and protect our depositors.

We must adopt the principle of free interchange of bank-book credits and bank-note credits.

Our bank notes must spring into existence precisely as checks and drafts do through business transactions.

Our bank notes must be related to and based upon the consumable commodities of the country, going out with production and coming in with consumption.

No part of the capital necessary to conduct properly the commerce of the country and pay for production and transportation should be transferred to the investment account and thereby made fixed capital.

Savings from labor, the excess of profits on business, and the income from rents and securities should constitute the investment capital of the country.

Primarily, all classes of useful citizens are interested in productive occupations, and directly or indirectly are affected by them, if not dependent upon them; therefore, if possible, the commercial fund should never be encroached upon for investment purposes. This was the primary cause, and is an important factor in our present trouble.

A TAX ON CREDIT IS A TAX ON LABOR.

Credit is the very soul of modern commerce; and, upon the average, more than 90 per cent of our business is done by check and draft, based upon the book credits of the country. These credits are not taxed and should not be, because such a tax would be a tax upon production, and therefore a tax upon labor.

The remaining 10 per cent of the business consists chiefly of the cash transactions of the masses, who are entitled to a current credit that will cost them just as little as checks and drafts cost the rich

and powerful who keep bank accounts. Such a credit should not be taxed any more than deposits are, because it is, in fact, only another form of deposit.

THE COST OF OUR PRESENT SYSTEM.

The practice, I will not say principle, of finance and currency now in operation in this country is costing the American people at least $150,000,000 annually, in addition to the frightful devastation of values incident to such currency panics as the present, which are liable to occur at any time if some significant failure should precipitate it.

This cost to the people of $150,000,000 arises from the fact that the use of all the capital, represented by the bonds deposited to secure our present bank notes, is lost because the bonds are wholly unnecessary and in their present use and relation are an unmitigated curse.

The use of the capital represented by the bonds deposited to secure Government deposits is also lost, as well as interest at the rate of 2 per cent upon Government deposits, which since the establishment of the national banking system up to the present time would have amounted to about $75,000,000, or nearly twice as much as the loss to depositors resulting from failures of national banks.

There is in the pockets of the people $1,250,000,000 of reserve money, $1,000,000,000 of which at least should be exchanged for current credit or credit currency.

If the banks could exchange their credit notes, amounting to $1,000,000,000, for $1,000,000,000 of these reserves now in the pockets of the people, they would increase their liabilities only 8 per cent of the $12,000,000,000 deposits while they would increase their reserves 145 per cent.

If any other business in the world, except one politically managed, were involved, this waste of $150,000,000 annually would be stopped at once.

Who pays for this waste of capital? American labor. Upon labor rests the entire cost of the banking business, which is a necessary evil incident to the production, transportation, and sale or disposition of $25,000,000,000 worth of products annually.

BANK UNIFICATION.

Having already spoken of proper bank reserves, I shall now speak first of bank unification and cooperation, and, second, of credit currency.

Practically all the business that distinguishes a trust company from a regular bank to-day has grown up since the passage of the national-bank act.

A law should be passed giving to the national banks the right of exercising in the respective States where located all the powers of executors, administrators, guardians, and trustees.

Who will oppose granting these powers to the national banks? Do you answer: "The trust companies in the various States?" If so, they can give but one reason, and that is cupidity and greed, evidenced by the fact that upon a much smaller reserve than prudence justifies they conduct a regular banking business and carry on the trust business in addition; for upon the passage of a law authorizing the

national banks to do a regular trust business the trust companies could nationalize and have in turn all the advantages of the national-bank act.

Unless this step is taken, the advantages now enjoyed by the trust companies will gradually but inevitably compel the national banks to surrender their charters for trust-company charters; for if a trust company is required to carry only one-fifth or one-half the reserves of a national bank, it can afford to pay a much higher rate of interest upon deposits and eventually undermine the national bank.

These conditions are constantly confronting those who are starting new financial institutions; and, of necessity, the greater margin of profit promised under trust-company laws determines the decision of those interested, they relying upon their own wisdom as to what are proper reserves.

THE ENCROACHMENT OF TRUST COMPANIES.

The following tabulated statement demonstrates beyond the possibility of doubt the gradual encroachment of the trust companies and the final extinction of the national banking system, solely because of the reasons stated:

NATIONAL BANKS.

	Capital.	Deposits.
1890	$342,073,676	$1,521,745,665
1900	621,536,461	2,458,092,757
1907	896,451,314	4,319,085,402

TRUST COMPANIES.

1890	$70,676,247	$336,456,492
1900	126,930,845	1,028,232,407
1907	276,146,061	2,061,623,035

STATE BANKS.

1890	$188,700,000	$553,100,000
1900	237,000,000	1,266,700,917
1907	471,163,000	3,068,649,860

CAPITAL.

	1890.	1900.	1907.
National banks	$642,073,676	$621,536,461	$896,451,314
Trust companies and State banks	259,376,247	363,930,845	747,306,061

DEPOSITS.

National banks	$1,521,745,665	$2,458,092,757	$4,319,085,402
Trust companies and State banks	889,556,492	2,294,983,314	5,130,272,895

CREDIT CURRENCY.

Banks are created by the people; therefore they are the servants of the people.

Every depositor of a bank should have the option of taking his credit at the bank in such form as will best serve his convenience—either a book credit subject to check or a current credit in bank notes.

The masses of the people who use currency instead of checks are entitled to have just as economical and cheap credits as the rich and powerful who keep bank accounts; and the people have the right to insist that the current credits which they use shall be currently redeemed by the banks in gold coin, and so constantly measured in our standard of value, which is gold.

The laborers, the manufacturers, and the merchants of the country have the right to have their current credits related to and based upon their products, the consumable commodities of the country, the things we eat, wear, and use—the things that always have a cash value and are worth the present year more than $25,000,000,000.

The cotton planter who has already picked, ginned, and baled $10,000 worth of cotton and is entitled to a loan at his bank for $10,000, and who obtains it by giving a warehouse receipt for the cotton already prepared for the market, should have the absolute right, after the credit of $10,000 has been granted to him, of taking it in current credits in the form of bank notes, with which he can proceed to pay for picking, ginning, and baling the rest of his crop.

The elevator owner who is entitled to a loan of $100,000 at his bank, and who turns over as security for his loan of $100,000 an elevator or warehouse receipt, the loan having been granted to him and placed to his credit, has the right to take any part or all of this credit on the books of the bank in the form of current credits or bank notes, which can be sent into the country to pay for the harvesting, thrashing, and marketing of more of the wheat in the territory from which that already in his warehouse has come.

So, any person who has a credit at a bank has an equal right to take it either in a book credit, subject to his checks, or in a current credit or bank notes.

The notes of our laborers, our farmers, our manufacturers, our merchants, and producers of every kind and character are, economically speaking, the titles to the products of our labor and capital, and furnish the only true basis of a currency in any country; for such a currency must reflect the ever-varying conditions of trade.

A strictly commercial bank does a business based upon thirty, sixty, and ninety day notes, which are constantly being made and as constantly paid, because the requirements of the makers are always changing with the constant production and constant consumption of commodities.

The bank loaning its money upon securities is not a commercial bank at all, but an investment bank, and the basis of its business is fixed because its collateral may remain the same for years at a time. On the other hand, the discounts of a commercial bank never remain the same for twenty-four hours, some notes being paid and new ones discounted. Therefore, you can only have a true currency of com-

merce when it is related to and based upon the consumable commodities of the country.

Some banks do both a commercial and an investment business, but so far as any bank does an investment business it is using the commercial fund for investment purposes, and therein lies the root or primary cause of our present commercial difficulty—an encroachment upon the commercial fund for investment purposes.

It therefore follows that the national banks should have the right to issue current credits just as freely as they take deposits subject to check, neither being subject to limitation, if only adequate reserves in gold are maintained.

This power, with that of acting as executor, administrator, and trustee, would have the effect of bringing into the national system practically all the trust companies and State banks, if our recent experiences have confirmed the public opinion that the required reserves of the national banks are none too high.

COOPERATION SHOULD BE COMPELLED.

If opposition developed on the part of either the State banks or the trust companies, the people, who have $12,000,000,000 of deposits in our banks and are interested in a proper and adequate reserve to protect them, should compel cooperation.

The people have the right to insist upon uniformity in their banking system if such uniformity is essential to the safety and convenience of the public. Cupidity and unconscionable greed must be the only source of any opposition that arises.

THE ADVANTAGES OF CREDIT CURRENCY.

If our banks were authorized to convert their bank-book credits into bank-note credits upon the demand of depositors, there never would be a currency famine such as we are suffering from now.

Mark this: There is not the slightest difference in principle between bank-book credits and bank-note credits, for one is a credit subject to order and the other is a cashier's check to bearer. Tell me, would it make the slightest difference to a bank whether it owed a million to depositors subject to check or a million in cashier's checks? Certainly not. The Bank of France owes ten times as much to note holders as it does to depositors, owing about $1,000,000,000 to the note holders and only about $100,000,000 to depositors.

THE HABITS OF THE PEOPLE CONTROL.

If the customers of a bank had their choice between these two forms of credit, the habits of the people would determine whether the bank owed more to depositors subject to check or to note holders.

The people of Scotland for one hundred and forty-three years never made a deposit subject to check, but only exchanged their time notes for the cashier's checks payable to bearer or current credits, credit currency. Their habits are now so completely changed that they have only $35,000,000 of cashier's checks in circulation, while the deposits subject to their order amount to $500,000,000.

The Bank of Germany has outstanding $450,000,000 of cashier's checks or notes and has deposits amounting only to $150,000,000.

The Bank of France has issued about $1,000,000,000 of cashier's checks or notes, while the deposits amount to only one-tenth as much, or $100,000,000.

On the other hand, the banks of Canada with the right of capital issue have only $75,000,000 of cashier's checks out, while their deposits amount to $600,000,000.

In 1811 the notes of the First United States Bank outstanding amounted to $5,037,000 and the deposits were $6,900,000.

In 1832 the notes of the Second United States Bank outstanding amounted to $21,000,000 and the deposits were $22,000,000.

In 1860 the Bank of the State of Indiana, which alone of all the Indiana banks had withstood the panic of 1857, had $5,753,000 notes out and only $1,200,000 of deposits.

In 1857 there were 515 banks in the six New England States clearing through the Suffolk Bank of Boston, and there are about the same number of banks in those States to-day. Their deposits amounted to only $25,000,000, while their notes outstanding amounted to $55,000,000.

Without any possible fear of successful contradiction, therefore, I assert that there is absolutely no difference in principle between bank-book credits and bank-note credits, and that where there is a perfect interchangeability between the two the habits of the people will determine whether the notes outstanding or the deposits are the larger.

CREDIT CURRENCY NOT EXPANSION.

Credit currency does not mean expansion, nor does it mean inflation.

Whenever I fall in with anyone who has never studied this question and thought it out he almost invariably suggests as an objection that it means expansion or inflation or both, when neither is the possible consequence of a free issue of credit currency.

I assert that credit currency does not mean or lead to expansion.

Ricardo says:

> The issuers of paper money should regulate their issues solely by the price of bullion and never by the quantity of their paper in circulation. The quantity can never be too great or too little while it preserves the same value as the standard.

What is expansion? It is increasing the liabilities of a bank without correspondingly increasing its reserves. The reserves may all be in gold coin, and yet the bank may expand to a dangerous point, even to the point of destruction; for it could expand its liabilities until its reserve was only 1 per cent. But such expansion would ordinarily be fatal, even though the 1 per cent were in gold coin. When the management of a bank considers the question of increasing its liabilities, the only important matter is whether its reserves will justify it. It is a matter of no practical importance whether the increased debt is a ledger credit, to be checked against, or a cashier's check, payable to bearer, which is a current credit or credit currency.

Therefore I assert that a credit currency can not in any way lead to expansion; but that it would rather tend to prevent it, as appears in what follows.

CREDIT CURRENCY NOT INFLATION.

What is inflation? It is basing one credit upon another credit; that is, basing a bank's liabilities upon credit such as our present bank notes, which are in turn based upon another credit, a Government bond, which is due in about twenty-five years.

Now, would any banker hold a cashier's check payable to order, whether of the weakest or the strongest bank in the United States, as a part of his reserves? You answer, "No; under no circumstances. He would send it home as directly and swiftly as he does checks and drafts for immediate redemption."

Would a banker be any more likely to hold a cashier's check payable to bearer, whether of the weakest or the strongest bank, as a part of his reserves? You answer, "No; under no circumstances. He would send it home as directly and swiftly as he does checks and drafts for immediate redemption."

But the cashier's check, payable to bearer, is a current credit, or credit currency.

Therefore I assert that credit currency can not under any circumstances lead to inflation. On the other hand, it will be a distinct prevention of inflation such as we are suffering from to-day by using bank notes as reserves. Because the bank's obligations in the form of cashier's checks or credit currency will be sent home with the same directness and swiftness that checks and drafts are, always keeping the currency of the country down to the lowest point of necessity, and yet always meeting the largest demands of trade and commerce.

I challenge anyone to deny and contravene the foregoing propositions with regard to expansion.

Now, do not forget this: A banker may make poor loans upon overvalued securities or high-priced goods or bad personal risks; but these are cases of faulty business judgment on the part of the banker and have absolutely nothing to do with bank-credit expansion or bank-credit inflation.

CREDIT CURRENCY COORDINATED TO BUSINESS.

Therefore I assert that credit currency, when put upon the same footing in all respects as checks and drafts, will, instead of meaning or leading to inflation, prevent inflation, for our currency will then be perfectly coordinated to the needs of business, being neither too great nor too little, the cashier's checks springing into being with business needs, and automatically disappearing precisely as checks and drafts do.

This is not a theory, but the experience of two hundred years. All the rest of the civilized world are availing themselves of this principle to-day, and are using credit currency to the extent of about $4,000,000,000, or of more than 20 per cent of their entire banking capital; while, on the other hand, the United States, with $16,000,000,000 of banking power, more than three-sevenths of the banking power of the world, has not one cent of current credit or credit currency in use.

BOND-SECURED CURRENCY NOT COORDINATED TO BUSINESS.

On the other hand, no civilized country now has a bond-secured currency such as we have; and no civilized country of consequence

ever did have such a currency except one, and that is Japan, who copied it from us only to repudiate and discard it in favor of a credit currency.

When Secretary Chase forced our bond-secured note scheme upon the country in 1863, it was purely a bond-selling project, and it is only a bond-speculating device to-day. There has not been a single hour from the time when the first note was issued up to this moment when the notes outstanding bore any distinct relation to the business which was being transacted in the country.

Mark this: From 1882 down to 1891, during a period of great business expansion, the bank-note circulation decreased from $365,000,000 to $122,000,000, simply because there was no profit in holding the bonds. From 1891 down to this very autumn there have been many years when the bank-note currency has actually contracted during the fall months when it ought to have expanded at least $250,000,000, simply because it paid to sell the bonds; and there have been quite as many years when there has been an expansion from January to July, though there ought to have been a contraction of at least $250,000,000.

AMOUNT OF BANK NOTES NOW HELD AS RESERVES.

Note this fact and ponder well. Ask yourselves whether you want to go further in the direction we are now moving.

Already $200,000,000, or nearly one-quarter of all the reserves now held by the banking institutions of the United States, are in bank notes. That is, of the $12,000,000,000 deposits in the banks of the country between $2,500,000,000 and $3,000,000,000 are based upon bank notes, mere promises to pay, and these mere promises to pay are again in turn based upon a debt of the Government, another mere promise to pay, which is not due for about twenty-five years, and then to be paid, if at all, out of taxes to be collected.

How long will it be before all of our deposits will be based upon mere promises to pay, which in turn will be based on the debt of the Government, the debt of States, the debt of municipalities, and the debt of railroads?

THE DANGER OF WORSE DISASTER.

With these astounding facts pressed upon your attention, can any man—any honest, intelligent, fair-minded man—deny that there must be something radically wrong, fundamentally wrong, disastrously wrong with our present currency-making devices; and that to them can be traced with unerring certainty the inexcusable calamity that has darkened our commercial sky this fall in the very midst of abounding prosperity?

Yet, while we are still in the throes of our commercial catastrophe, there are those who, ignorant of the causes and thoughtless of the future, would have us take another plunge in the same direction by adding to our overwhelming load of fixed, immobile, bond-secured notes another mass of bank notes based upon State, municipal, and railroad bonds. Could anyone conceive and plan a more gigantic scheme of inflation?

I now declare that if this Government continues its present policy of injecting into the arteries of trade and commerce a fixed, bond-secured currency, by swapping securities, by bond speculations, by

eighth of 1 per cent upon all the notes issued to pay the notes of the failed banks, while it would have taken a tax of twenty-two one-hundredths, or more than one-fifth of 1 per cent, on all the notes so far issued by the national banks to pay the notes of the national banks that have failed.

Now, if such a system of banking grew up in New England, with very few legal limitations and under such adverse conditions, how much better ought our system to be if it were founded upon the same principles. But let us suppose that the banking for the next forty years should prove upon the average as safe as for the last forty years; then a tax of one-fifth of 1 per cent would pay the notes of failed banks.

Now, it is a matter of record that about 80 per cent, or four-fifths, of all the deposits of national banks which have failed have been paid; therefore an annual tax of one-fifth of 1 per cent would pay the remaining 20 per cent. Hence, a general guaranty fund of 5 per cent would last one hundred and twenty-five years; and of 2 per cent would last for fifty years. Certainly there is no insurance, life or fire, that is to be compared in point of safety with that proposed here.

I assert, then, that in point of safety a credit currency, with a guaranty fund of 5 per cent, is equal in point of safety to our present national bank notes; and it may be claimed that both are perfectly safe if the proper reserves are held to protect them.

BANK-CREDIT NOTES VERSUS BOND-SECURED NOTES.

When we come to compare a credit currency and a bond-secured currency in their relation to the business of the country, the advocate of a bond-secured note is compelled to admit that for forty years it has failed utterly, indeed has never failed to fail, to show the slightest variation because of the changing conditions of trade. As I have before stated, the circulation fell from $365,000,000 in 1882 to $122,000,000 in 1891, and just as strange and anomalous circumstances are attending it every month of the year.

Indeed, there has not been a single fall during all these forty years when we have not been hanging over the brink of a currency panic; and our danger has always been directly in proportion to the size and price of our crops—the possibility of panic and ruin increasing with our prosperity. What a system it has proved to be! The greater our crops and prosperity, the greater our danger and the more imminent our ruin!

On the other hand, the principle of converting our bank-book credits into bank-note credits, the adoption of a true credit currency, will bring such a perfect harmony between our business and currency that no season of the year will seem any different from any other season, so far as our supply of currency is concerned—it will never be too large, never too small, always just enough. The experience of every other civilized country in the world justifies this assertion.

CREDIT CURRENCY ADJUSTMENTS.

Now, mark this, wherever a credit currency is in use, it automatically registers every change in trade, year in and year out, month by month, and day by day.

I assert, without any fear whatever of successful contradiction, that a tax that is so high as to destroy all profit in note circulation will also completely destroy one of the two incentives bankers have for sending the notes home, and therefore will defeat the very purpose for which the high tax was imposed. Indeed, a high tax will tend rather to keep the notes out than to drive them home.

The reason is apparent. Any bank, upon receiving the notes of a competing bank, would have, under a proper system, two motives for sending the notes directly home for redemption.

The first motive would be to get its own notes out and make the profit that this competing bank is making. For instance, if the tax is 2 per cent, and the local interest rate is 6 per cent, it would want to make the difference of 4 per cent, and so would send home the notes of the competing bank.

The second motive would be to convert the notes, which are a mere credit, into reserve money, because then the bank can loan from four to six times as much as it could if it were to loan the notes themselves out again.

It is therefore clear that a tax of 6 per cent, where the rate of interest is 6 per cent, would absolutely destroy the first motive for returning the notes to the maker.

All business is based upon selfishness, and certainly the banking business is no exception to the rule. Indeed, banking is the very refinement of business, and therefore the very refinement of selfishness.

THE HIGH-TAX ADVOCATE.

But the advocate of the high tax may reply: "I can deposit with the Government lawful or reserve money to the amount of the notes I have outstanding, and so retire that amount of currency and relieve myself of the tax when the currency is no longer needed."

But just what has the high-tax advocate accomplished, should he pursue this course? He has put into the Treasury and therefore has exchanged reserve money for credit notes to the amount of his deposit; a most undesirable thing if the reserve money were to remain there.

But the reserve money would not remain in the Treasury, for any sensible Secretary of the Treasury would immediately pay it out again; and so we should have no contraction whatever. The reserve money would be redeposited in the banks, and the bank notes would continue in circulation and no tax would be paid upon them.

Such a scheme would be an utter failure in every respect, simply because it is in violation of both commercial and economic law.

So far as I can ascertain, the whole theory of a high tax has sprung from the experience of the clearing houses in retiring their certificates. But the facts are entirely different.

In the case of the clearing houses, the certificates never leave the immediate circle of membership, and, therefore, can be retired at will by actually withdrawing them; while the bank notes may circulate in every State of the Union, some of them being in the cotton fields of Mississippi, some of them in the shoe factories of Massachusetts, some of them in the cornfields of Iowa, and some in the lumbering camps of Oregon; *and the banker has no way of getting possession*

they could have responded to this demand for three hundred millions of currency and paid off the bankers in the country districts without increasing their liabilities to the extent of one dollar and without adding one single dollar to their reserves, for the banks issuing these cashier's checks or bank notes should carry the same reserves against these bank notes as they now do against their deposits subject to check or draft. It would have been simply a matter of bookkeeping; the banks in the commercial centers would have charged the banks in the country districts with the amount of notes sent and credited their own cashiers with a similar amount.

There has not been expansion to the extent of a single dollar; there has not been inflation to the extent of a single dollar, and when the demand through the country districts began to diminish in January these cashier's checks or credit notes would be returned to the banks that issued them and be paid in cash or deposited to the credit of the bank sending them in, and so be reconverted into a bank-book credit subject to check.

CLEARING-HOUSE CERTIFICATES.

When universal panic struck our beloved country in the very midst of abounding prosperity and we were in the throes of commercial distress, natural law pointed out the way. It was through the use of current credit, related to and based upon the consumable commodities of the country—the things we eat, wear, and use.

What was it? It was the clearing-house certificate and cashier's check—a pure credit currency, This sprang into being under the pressure of necessity, and will automatically disappear as that necessity recedes, perfectly adjusting itself to every condition from day to day.

These clearing-house certificates and cashier's checks were issued without authority of law and under very great disadvantages, because it was necessary to successfully evade the law. And yet, will any man say that this credit currency did not save us from a commercial disaster which would beggar the imagination of any human being?

Has this great lesson taught us nothing? God forbid.

Now, mark this: While all these credits will soon disappear, you will find that the immobile, sodden mass of Government bond-secured notes will remain to a single dollar and will pile up and crowd themselves into the reserves of our banking institutions—State banks, trust companies, private banks, and even into our national banks, forcing out a corresponding amount of gold, and so undermining the $12,000,000,000 of credits in this country.

I warn you now against the fathomless abyss of inflation we are slowly but certainly approaching. Shall we stop now or proceed and hasten the day and guarantee the result by adding State, municipal, and railroad bonds as a basis of bank currency?

QUESTION MUST BE SETTLED RIGHT.

Gentlemen, until we adopt this principle and relate our currency to and base it upon the consumable commodities of the country, we shall experiment in vain. As I wrote to Secretary Cortelyou, "All these superficial tricks and mechanical devices will fail; and, after stumbling about for five, ten, fifty, or possibly one hundred years,

we shall come back to these fundamental economic principles which work economy and justice to all who are affected by them."

Gentlemen, I know that this question will never be settled right until it is submitted to the people for decision precisely as the question of the establishment of the gold standard was submitted to them, and I know equally well that the people's intelligence and patriotism will decide this question as that was decided—right.

I know that if the Senate and the House of Representatives do anything before a great educational campaign upon this subject, it wil simply be to sew another rotten patch upon an old ragged garment already well-nigh covered with rotten patches.

THE QUESTION RESTS WITH THE PEOPLE.

This question is not up to Congress now—it has passed that. It is up to the people of the United States; it is up to you, the men within the sound of my voice. Will you do your duty and make this question the issue of the hour, or will you let the politicians make your issues for you?

There is not a laborer, not a manufacturer, not a merchant in the United States to whom this question is not of vastly greater importance than all other questions combined. Indeed, when we consider what may happen to the commercial interests of this country at any moment, all other questions sink into nothingness in comparison.

Labor is now paying a penalty of $150,000,000 a year, as I have pointed out, to keep up the grotesque farrago of our financial currency practices. Hundreds of thousands of men are now idle; two millions of men may be idle as the result of present conditions; and, so long as we continue these conditions, will we constantly jeopardize the prosperity of the people and the welfare of the whole country. For it will be an accident every fall if we get through without a repetition of our present experience, bitterly intensified, too, should the misfortune overtake us when general conditions were bad.

Mark my warning to-night. I challenge the attention, the intelligence, the self-interest, the patriotism, and the conscience of the American people; and, in the face of what has transpired during the last thirty days, I charge all the responsibility for the future upon the people of the United States, and especially upon you who hear me now, for you have it in your power to demand a full discussion of this question before the people, and a verdict at their hands. Will you do it?

THE NEEDS OF THE HOUR.

As the contest for the gold standard brought confidence, strength, stability, progress, and prosperity to our country, so will a campaign for a scientific, sound, and wise financial and currency system lead us out of our difficulty, protect us against like dangers and immeasurably greater misfortunes in the future, and guarantee to us permanent conditions.

In the first throes of this currency panic I was asked about the advisability of an extra session of Congress, and replied: "No; we want no more unrest, apprehension, destruction of credit, and disturbance of confidence in American business; we want rest, recupera-

tion, construction, and a revival of faith and hope in American manhood."

We want less sensation and more sense.

We want less dynamite and destruction and more cement and construction.

We want less constitutional anarchism and more constitutional liberty.

We want less governmentalism and more individualism.

Remember! remember! my countrymen! remember! that the cornerstone of this Republic is a free man. Physically free, intellectually free, religiously free, politically free, commercially free. That its very foundations rest upon local self-government, and that if it endures forever it must be through the conscience, intelligence, and strength of the people themselves.

All our surpassing achievements and national glory are traceable to the individualism and personal initiative of the American people, and our sole hope of a triumphant and transcendent future is in an absolutely free man.

Let us see to it then that no citizen secures any advantage whatever over any other citizen through the forms of law, but that all have and enjoy equal opportunities under the operation of absolutely equal and just laws.

Let us see to it that no corporation secures any advantage whatever over any other corporation through the forms of law; that no corporation secures any advantage whatever over any private citizen through the forms of law, and that no corporation secures any advantage whatever over the people themselves through the forms of law, but that every grant of power by the people to a corporation giving it a legalized monopoly shall have its corollary and counterpart in legalized regulations.

Whatever our problems may be, however difficult our tasks may be, I have absolute confidence in the intelligence and conscience of the people to solve and settle them wisely and justly, and I believe that they will not condone crime or wrongdoing of any kind at any time or anywhere.

I believe that the American citizenship of 1907 is morally and intellectually better and higher than that of one hundred years ago. I believe that we are better to-day than we were yesterday, and that we shall be better to-morrow than we are to-day.

I believe that American manhood and womanhood, man for man and woman for woman, are vastly superior to the manhood and womanhood of any other nation on this globe.

Let us respect ourselves as we are entitled to, and then others will respect us; and let us so live that all nations will recognize in the typical American the ideal individual citizen of the world for all the centuries to come.

PLATFORM FOR SCIENTIFIC, SOUND, AND WISE FINANCIAL AND CURRENCY SYSTEM.

We demand that the reserves in our banks shall be in gold coin, and shall be ample to prove their credits and to protect their millions of depositors, who have $12,000,000,000 to their credit.

We demand that the depositors shall have the option of taking their credit in the form of a book credit subject to check, or in the form of a current credit in bank notes.

We assert that the masses, who use currency instead of checks, are entitled to have just as economical and cheap credits as the rich and powerful who keep bank accounts.

We demand that the currency of the country shall be related to and be based upon the products of our labor, the consumable commodities of the country, the things we eat, wear, and use, and that our currency shall be measured in gold by currently redeeming it in gold coin. Such a currency is absolutely sound, because as good as gold, and comes into existence with purchase and production, and disappears with sales and consumption. Therefore it always perfectly responds to the ever-varying demands of trade.

We demand such a reform of the financial and currency practices of the United States as will save to the laborers, manufacturers, and merchants the $150,000,000 per annum now wasted because our reserve and banking capital are uselessly employed.

In support of these propositions we cite the following illustrations of where bank deposits and bank notes are interchangeable:

	Deposits.	Note issues.
The Bank of France	$100,000,000	$1,000,000,000
11 Scotch banks	500,000,000	40,000,000
35 Canadian banks	600,000,000	75,000,000
510 New England banks in Suffolk system	25,000,000	55,000,000

We assert that a credit currency, currently redeemed in gold coin, does not mean expansion and can not lead to inflation; and in support of this proposition we submit the following illustrations:

	Permissible issue.	Actual issue.
France	$1,000,000,000	$929,000,000
Canada	94,000,000	83,000,000
Scotland	148,000,000	40,000,000
First United States Bank	10,000,000	5,000,000
Second United States Bank	35,000,000	23,000,000
Bank of Indiana	6,600,000	4,900,000
Bank of Iowa	2,096,000	1,400,000
New England Suffolk system	123,000,000	55,000,000

LIFE OF A CREDIT NOTE VERSUS A BOND-SECURED NOTE.

The life of a true credit note or the time it remains out in circulation is absolute proof, indeed mathematical proof, that these notes are always just adequate to and never in excess of the requirements of trade. To illustrate this fact we submit the experience of the Scotch and Canadian banks, and of New England banks clearing through the Suffolk Bank at Boston, and the record made by the national banking system, as follows:

	Days.
The note of the Scotch banking system remains out	18
The note of the Canadian banking system remains out	30
The note of the New England (Suffolk) banking system remained out only	45
The average life of our national-bank bond-secured note is just the life of the paper upon which it is printed	730

Therefore, it is demonstrated that the life of our bond-secured note bears no relation to the business of the country.

We assert that it is wholly immaterial whether there is only 1 central bank of issue, as in France, or 11 banks of issue with branches, as in Scotland, or 35 banks of issue, with 1,600 branches, as in Canada, or whether there are 515 independent individual banks of issue, as there were in New England before the war, or 5,000 or 25,000 banks of issue; and that it is wholly immaterial whether each bank of issue has $25,000 capital, or $250,000 capital, or $2,500,000 capital, or $25,000,000 of capital—the principle is the same.

We assert that the law controlling the movement of credit, constantly measured in gold, our standard of value, unless unwisely interfered with by some foolish device of man, is as certain and absolute in its operation as the law of gravitation or any other law of God.

The absolute proof of this statement is found in the daily redemption of checks and drafts and cashier's checks payable to order; and the operation of this great law would not be suspended if the cashier's checks should be made payable to bearer, a current credit, and the customers of our banks should take these cashier's checks because they desired a current credit in preference to using their own checks which are not current, but only pass by indorsement.

We base this declaration upon natural law and the experience of all the civilized nations of the world.

FINANCIAL AND CURRENCY PRINCIPLES.

[House Report No. 5629. Fifty-ninth Congress, second session.]

Mr. FOWLER, from the Committee on Banking and Currency, submitted the following report:

AN IMPORTANT PRINCIPLE.

Your committee reiterates its often repeated assertion that bank-book credits are identical with bank-note credits, and that it should be at the option of a depositor of a bank to say whether he shall have a current credit of the bank or a book credit subject to his check.

The currency commission, representing the American Bankers' Association, has recently enunciated this principle so well in the following language that your committee quotes it with unqualified approval:

A bank note is essentially the same in principle as a deposit payable on demand. It is a book deposit converted into such form that it passes current. It resembles in character a demand certificate of deposit or cashier's check—simply a current deposit liability of the bank.

For the purpose of illustrating acutely the importance of incorporating this principle into our banking laws your committee challenges the attention of the House with the words of its chairman, Hon. Charles N. Fowler, uttered at St. Louis, October 19, 1906, during the recent convention of the American Bankers' Association:

It has been observed that during the crop-moving period this year, from July 1, there will have to be sent into our great agricultural sections $200,000,000 of currency, or money for the purpose of moving the crops. Let us assume that this amount is due from the banks in the money centers to the banks located in the crop-growing territory, and that on the first day of July the demands for this amount were met in the denominations asked for by the cashier's checks drawn to bearer or credit bank notes. What would be the result?

All the country banks would be paid off in full, but the city banks would have a corresponding liability to meet in the form of cashier's checks or credit bank notes, for the two are identical. What has actually taken place? Bank-book credits have been converted into bank-note credits to the extent of $200,000,000.

The bank credits of the country have not been increased by a single dollar. The reserves have not been disturbed to the extent of a single cent. There has been neither expansion nor contraction. It has been a simple transaction in bookkeeping; and yet the entire crop-raising and stock-producing regions have been served precisely as they would have been or are being served to-day by the withdrawal and transmission of $200,000,000 of reserve money, gold certificates, silver certificates, and United States notes, requiring a contraction of credit approximately one thousand million dollars, nothing less than a commercial tragedy. I challenge any man in this audience to deny these statements and controvert these conclusions.

But will it be suggested that this is a large conversion of book credits into note credits at one time? Let us see. The deposits or book credits of the national banks alone are now nearly $6,000,000,000. Therefore the conversion of $200,000,000 of deposits or book credits into note credits is only a little over 3 per cent of the total.

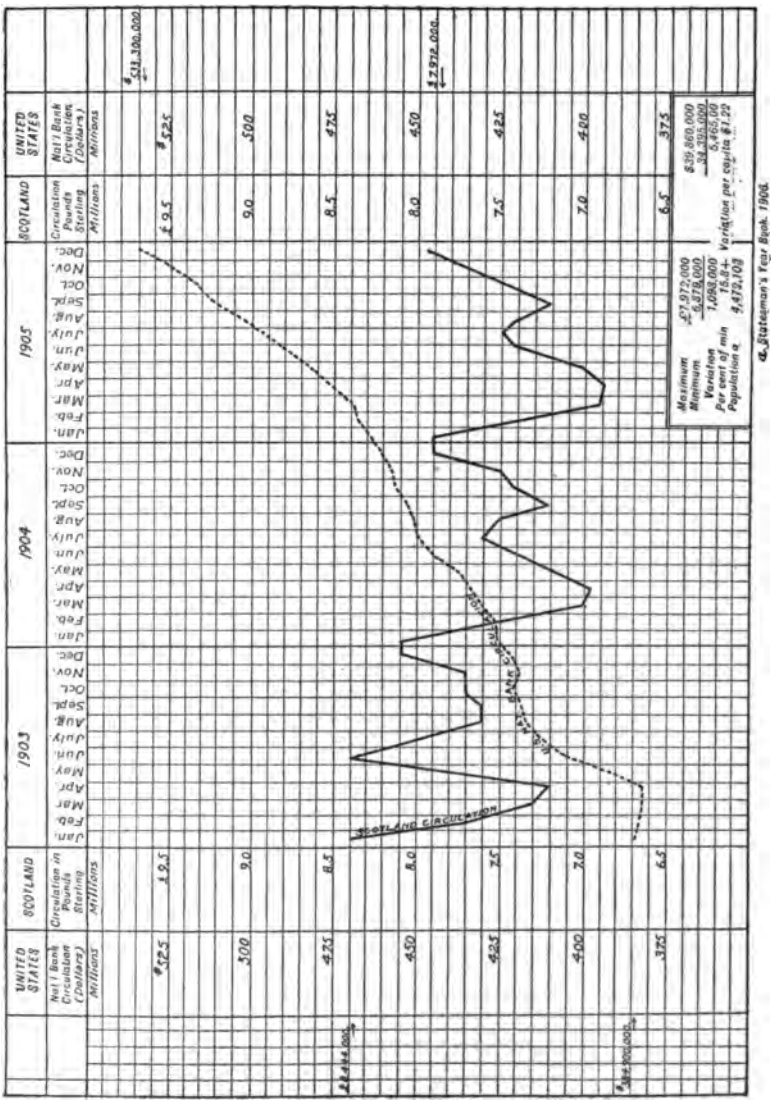
Again, since the aggregate of all bank deposits in corporate and private institutions is now about $15,000,000,000, it would be a conversion of only 1⅓ per cent of the total deposits or book credits into note credits.

But the fact is that, whether large or small relatively, it is wholly immaterial, for the transaction does not change the total bank credits to the extent of a single cent.

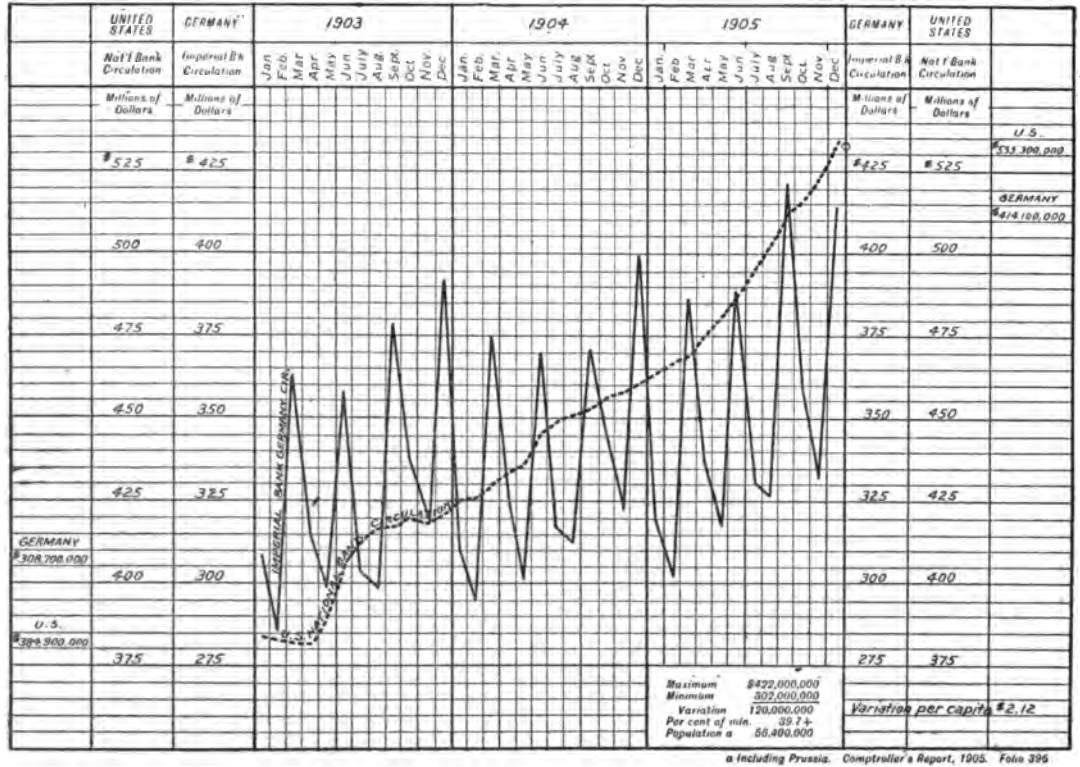
Ricardo says:

The issuers of paper money should regulate their issues solely by the price of bullion and never by the quantity of their paper in circulation. The quantity can never be too great or too little, while it preserves the same value as the standard.

SCOTLAND.

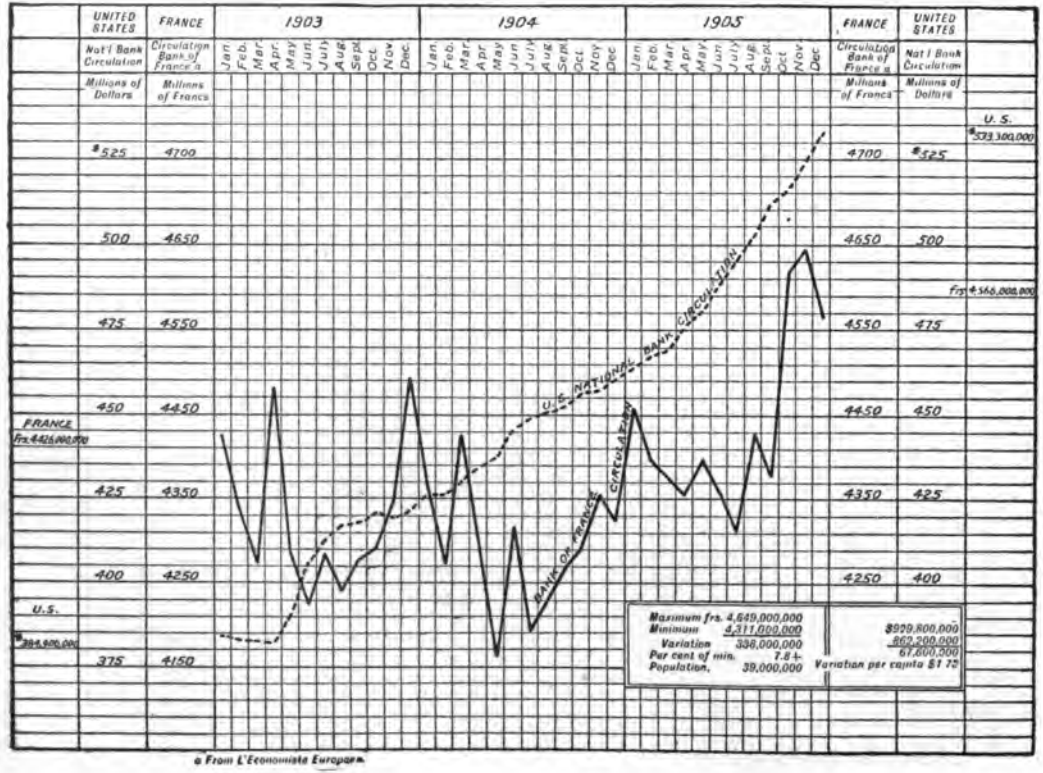

UNITED STATES
Nat'l Bank Circulation (Dollars) Millions
SCOTLAND
Circulation in Pounds Sterling Millions
1903
1904
1905
SCOTLAND
Circulation Pounds Sterling Millions
UNITED STATES
Nat'l Bank Circulation (Dollars) Millions
$511,300,000
£9.5
$525
9.0
500
8.5
475
8.0
450
$727,912,000
7.5
425
7.0
400
6.5
375
SCOTLAND CIRCULATION
UNITED STATES
Maximum $727,912,000
Minimum 511,300,000
Variation 216,612,000
Per cent of min 42.3+
Population 4 9,472,103
Variation per capita $1.22
$39,860,000
34,395,000
5,465,000
Statesman's Year Book. 1906.

GERMANY



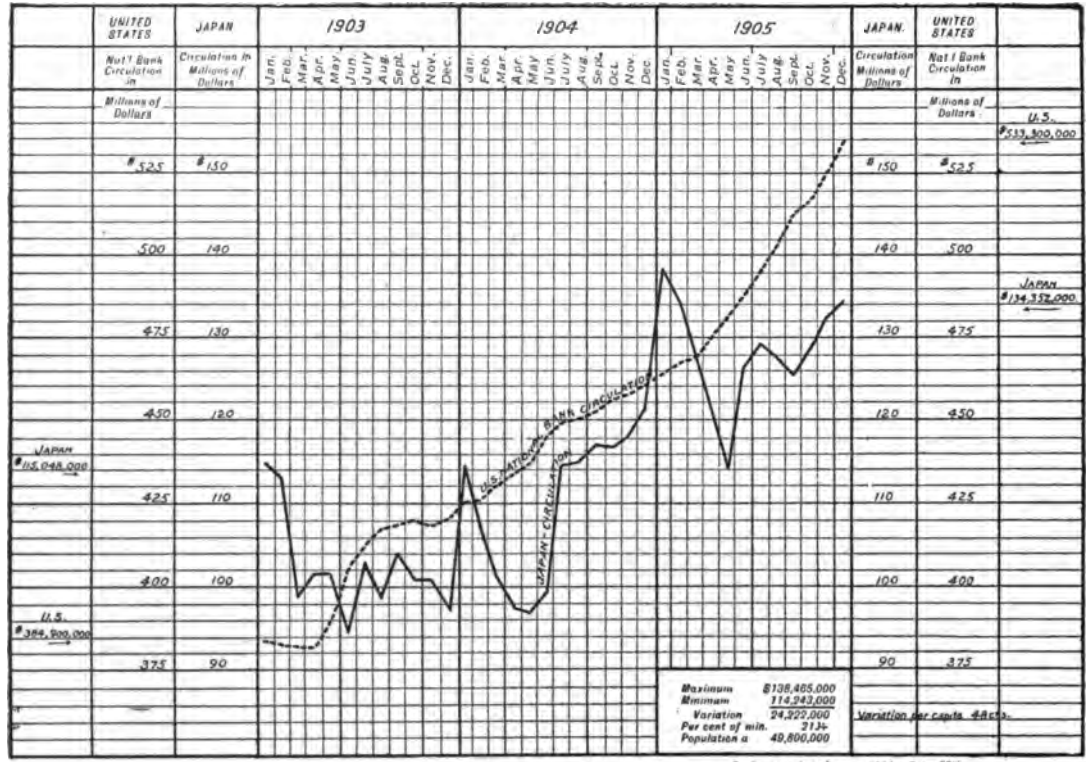
a Including Prussia. Comptroller's Report, 1905. Folio 396

FRANCE.



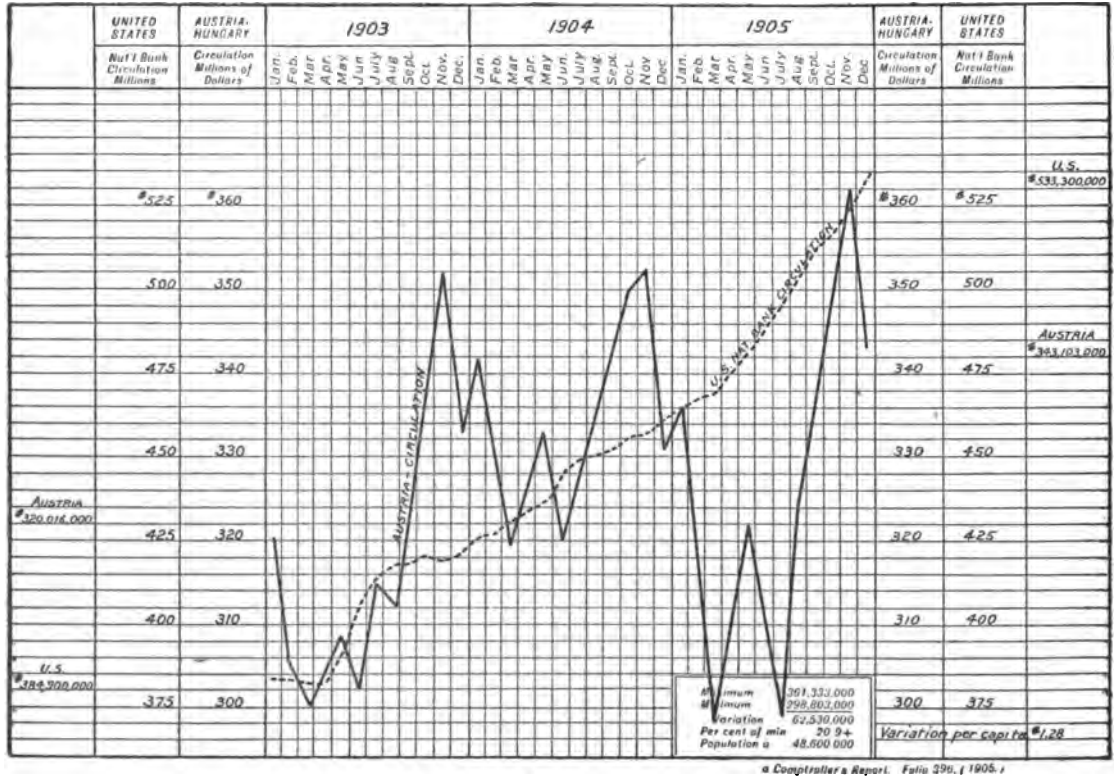
a From L'Economiste Europeen

JAPAN.

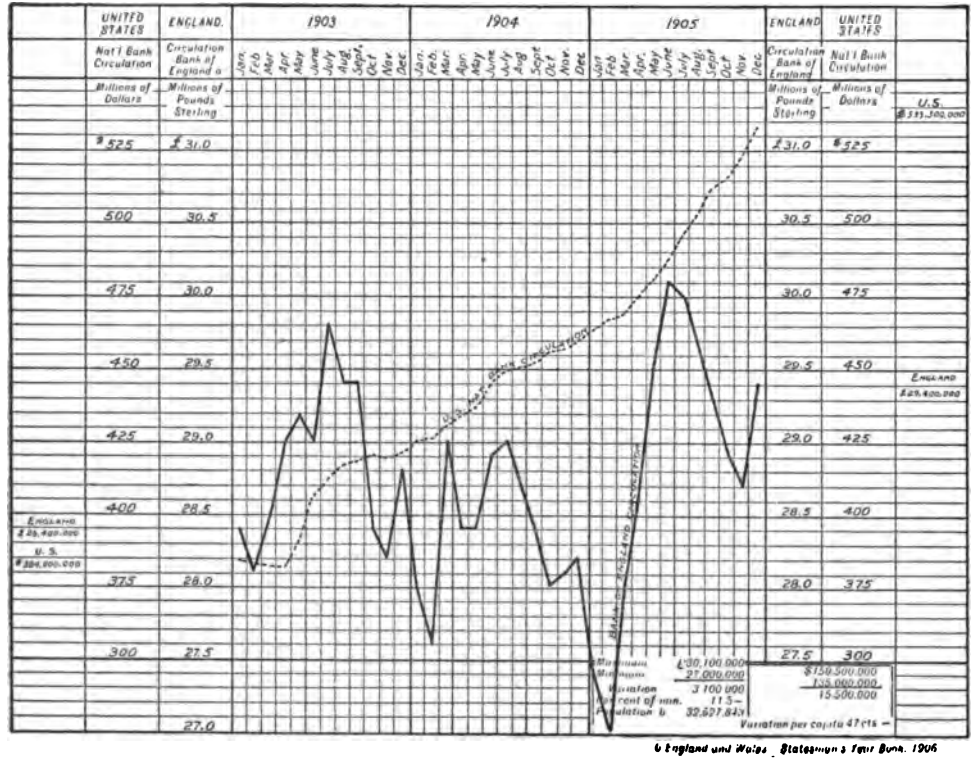


a Comptroller's Report. 1905. Folio 396.

AUSTRIA-HUNGARY.



ENGLAND.



a England and Wales. Statesman's Year Book. 1906

CREDIT NOTES AND DEPOSITS.

Your committee asserts that it is immaterial whether the obligations of a bank are in the form of deposits subject to check or of credit bank notes, providing that the reserves are ample and the same amount is required for the protection of each. With the same freedom on the part of the bank to issue its credit notes that it has to accept deposits subject to check the habits of a people will determine whether the deposits of a bank or its credit notes are the larger.

For one hundred and forty years there was no such thing in Scotland as a deposit subject to check. The banks simply exchanged their credit notes payable on demand for the time obligations of the people.

On December 31, 1905, the people of Scotland held the credit notes of the eleven banks of Scotland to the extent of $35,000,000; and there was on deposit in the same banks to the credit of the people subject to check $500,000,000, disclosing a complete change of habit in the use of credit.

On May 31, 1906, the people of France held the credit notes of the Bank of France to the extent of $954,000,000; and there was on deposit in the Bank of France to the credit of the people subject to check only one-eighth of this amount, or $124,000,000, showing that the people of France prefer and use current credit instead of book credit subject to check.

On December 31, 1905, the people of Germany held the credit notes of the Imperial Bank of Germany to the extent of $419,000,000; and there was on deposit to the credit of the people subject to check only $159,000,000, which indicates that the German people prefer the current credits of the bank to book credits subject to check.

On June 30, 1906, the people of Canada held credit notes of the 34 banks of Canada to the extent of $69,000,000; but their deposits subject to check amounted to $598,000,000, or more than eightfold, proving that the habit of using checks largely prevails with them over note or current credits.

Here, then, are four countries where there is a perfect freedom of exchange between bank-book credits and bank-note credits, and where the relations between the two are constantly changing in perfect accord with the desire and convenience of the people.

Indeed, a true credit currency is the currency of the civilized world, with only an exception or two to accentuate the rule. To such exceptions your committee will presently allude.

ADVANTAGES OF A CREDIT CURRENCY.

The advantages of a credit currency are these:

First. It will lower and equalize the rates of interest throughout the United States.

Second. It will make the rates practically uniform throughout the year.

Third. It will give to the country districts as economical a form of credit as the cities enjoy where checks are chiefly used.

Fourth. It will give to the mass of the people, who use currency in their smaller purchases, as economical a form of credit as those enjoy who use checks in their larger transactions.

Fifth. It will make it possible for the banks generally to serve such of their customers as may want currency without disturbing their reserves to the great injury of other customers who have loans which must be paid before the currency can be advanced; for it is immaterial to a bank whether it owes a depositor or a note holder.

Sixth. It will almost invariably prevent any panic whatever, and will always avert a ruinous crisis.

Seventh. If at any time contraction of credits becomes necessary because too much of the commercial fund has been diverted and transformed into the investment fund, a credit currency will facilitate liquidation without that destruction of values incident to a fixed quantity of currency such as we now have.

For the edification of the House, your committee submits the following diagrams, which demonstrate that while there is no country in the world which needs a credit currency so much as ours, it is the only country in the world with a currency absolutely fixed, so far as adjusting itself to our varying needs in the slightest degree is concerned.

The conditions in Canada, all things considered, are more nearly like our own than those of any other country; for once every year there is a very great demand for currency. This demand the Canadian banks supply, each recurring season, with a facility that must challenge the attention of every thoughtful and fair-minded man.

For the years 1903, 1904, and 1905 it will be observed that the increase and decrease, or expansion and contraction, of the Canadian bank notes approximate on the average 30 per cent, while our bank circulation was during this whole time moving only in one direction. It rose as persistently from January to July, when it should have contracted, as it did from July to January, when the crops had to be moved. The diagram discloses with startling nicety how accurately every fall, in the month of October, the Canadian currency was at its maximum.

Your committee desires to impress upon your attention the fact that in May and November there are settlements in Scotland, and that these are perfectly reflected in the accompanying diagram. This again demonstrates the peculiar fitness of a credit currency to come and go as the business needs of any country require it.

Your committee calls the attention of the House to the German system, in which there are four regular periods when the currency goes out and returns. There are quarterly settlement days in Germany. On these days the notes of the Imperial Bank, with perfect regularity, go out and do the work they are sent to perform, accomplishing it precisely as checks do. Then they return to the bank to await the next summons from the demands of trade.

So your committee might take up each of the countries with whose currency movements our own are compared and point out the reasons for the variations indicated. The per capita range of expansion and contraction for the various countries is as follows: Canada, $3.29; Germany, $2.12; France, $1.73; Austria-Hungary, $1.28; Japan, $0.48; England, $0.47; Scotland, $1.22.

If our variation per capita each year was as great as that of Canada, it would amount to $276,360,000. If it was the average of all the above countries, it would be $1.50 per capita, or a total of $126,000,000.

England has been included in the list for comparison because, being the financial center, the commercial clearing house of the world, it has a constant movement of gold flowing in and out which gives her a degree of elasticity which would be impossible but for that fact, and therefore England occupies a unique position. Again, both Scotland and Ireland have perfect systems of credit currency to meet their varying needs.

NATIONAL BANK CURRENCY.

Your committee submits that every thoughtful man must inquire why there is not the slightest variation in the quantity of our currency, which can in any way be attributed to the changing conditions of our business. Especially is this fact accentuated when we know that if we had a true credit currency system, such as exists in Canada, our increase and decrease would approximate $250,000,000.

Why this absolute fixity of quantity under all the varying conditions of the seasons? The reasons are these:

First. Our national-bank currency represents actual capital; every $100,000 of it representing $104,000 of cash paid out, the loanable fund of the country being actually reduced because of this system by more than $20,000,000 in these premiums, and when compared with a true credit currency there is a sacrifice of more than $400,000,000 of capital.

Second. Our national-bank currency represents an investment in United States bonds, and is related only to the bonds as a speculation and in no way to the needs of business. Bonds, not business, brought it into being.

Third. The law prohibits the retirement of more than $3,000,000 of national-bank notes in any one month. It would take, therefore, fourteen years to retire the present outstanding circulation.

Fourth. There are no adequate facilities for the current redemption of our national-bank currency; hence, broadly speaking, it is redeemed only when the paper is worn out.

No other country now has or ever had such a currency except Japan, where our system was imitated, but almost immediately repudiated, and a credit currency adopted in its stead.

NATIONAL BANK-NOTE CIRCULATION, 1890–1906.

Total national-bank notes outstanding at the end of August and December in the years named and at the end of the following April.

Year.	August.	December.	April.
1890	$184,391,633	$178,568,376	$171,805,064
1891	168,543,059	172,993,607	172,529,451
1892	172,527,713	173,614,871	176,094,544
1893	183,755,148	208,948,105	207,875,695
1894	207,539,066	206,686,337	207,541,211
1895	211,372,045	213,960,598	221,316,027
1896	226,030,042	235,398,890	233,795,141
1897	230,844,256	229,634,216	224,481,878
1898	226,780,064	242,784,803	243,134,892
1899	241,623,558	243,842,067	271,034,337
1900	320,095,890	332,292,300	350,101,405
1901	356,152,903	359,720,711	357,476,407
1902	358,984,183	384,854,514	382,519,258
1903	417,346,487	421,106,979	434,909,942
1904	450,206,888	460,679,075	475,948,944
1905	503,971,395	540,914,347	556,646,282
1906	569,852,303	.....	.....

The foregoing diagrams, as well as the above-tabulated statement, confirm these conclusions, for, by examination, the House will find there were several falls when our currency ought to have increased, but was actually reduced, and several springs when it ought to have diminished, but was actually increased, proving that bond speculation and not business requirements controls the quantity of our currency.

Your committee further submit the following review and survey of the subject for the information of the House:

TRANSACTIONS IN CREDIT.

Alexander Hamilton, with the unerring instinct of a financial genius, stated the underlying principle clearly and well when he said:

> Every loan which a bank makes is, in its first shape, a credit given to the borrower on its books, the amount of which it stands ready to pay, either in its own notes or in gold or silver, at his option. But in a large number of cases no actual payment is made in either. The borrower, frequently by a check or order, transfers his credit to some other person to whom he has a payment to make, who, in his turn, is as often content with a similar credit, because he is satisfied that he can whenever he pleases either convert it into cash or pass it to some other hand as an equivalent for it. And in this manner the credit keeps circulating, performing in every stage the office of money, till it is extinguished by a discount with some other person who has a payment to make to the bank to an equal or greater amount. Thus large sums are lent and paid, frequently through a variety of hands, without the intervention of a single piece of coin.

Though these words were uttered more than a hundred years ago, with what prophetic vision did Hamilton anticipate the practice of our own time, more than 90 per cent of our vast transactions being in some form of credit and less than 4 per cent in actual coin.

If the convenience of the people in any locality or line of business, such as that of the farmer or the manufacturer, prefers the bank note to the deposit and check, the bank note ought to be provided for all those whose credit entitles them to the favor of the bank.

The true bank note is not real money any more than a check is real money. Each should entitle the holder to the amount it calls for in gold coin.

THE SCOTCH SYSTEM OF CREDIT NOTES.

The great achievements of the Scotch system of credit notes is exceedingly well stated by Mr. Charles A. Conant in these words:

> 1. It has provided Scotland with an elastic currency adapted to the condition of her industries and adequate in volume to their changing needs.
> 2. It has enabled the people to carry on numerous commercial and agricultural transactions for which they could not have found the necessary quantity of coin and has economized the locking up of capital in the precious metals.
> 3. It has made the use of notes of small denominations familiar and popular, and has taught the people the distinction between bank notes as the representatives of credit and the precious metals as the measures of value.
> 4. It has brought into active use the available savings and capital of the country.
> 5. It has afforded an opportunity for entering upon business to thousands of poor but honest men and enabled them to lay the foundation of a comfortable home and in many cases of a fortune.
> 6. It has convinced the people so conclusively of the value and safety of the banking currency system that no serious panic has ever lasted beyond a few days or has ever affected any of the banks except those which were justly the subject of distrust. (Conant's History of Modern Banks of Issue, p. 155.)

FRENCH BANK NOTES.

Standing out even more conspicuously as a representative of a pure credit system, the Bank of France surpasses in some respects even the Scotch banks, since certain trammels have been thrown around the latter in the name of safeguards, because, forsooth, the English banks had disastrous experiences due to unwise laws.

In 1803, when the charter of the Bank of France was under consideration for renewal, Napoleon, with his own hand, inserted in the draft of the bill these prerequisites for note issues:

"The notes shall be covered either by coin held by the bank or by notes secured by collateral or by notes signed by three responsible persons."

That is the law to-day with regard to its note issues. Nothing could be in more perfect consonance with sound banking. Nothing could be a truer and safer basis for a credit currency or for a credit at a bank against which to draw checks.

There is nothing in the law of France requiring the banks to carry any particular reserve, but experience has taught the managers of the Bank of France that a certain reserve is essential to insure confidence and protect the credit of the institution.

But the vast reserve of gold carried by the Bank of France is not a reserve to protect the notes as distinguished from the other liabilities of the bank, but to protect them in common with all the other obligations.

If anyone supposes that the Bank of France carries $588,000,000, or more than 50 per cent of its notes, to protect its notes alone, he is laboring under a profound delusion, and his dream is rendered ridiculous when he is reminded of the fact that if the bank holds all this sum as a note reserve it has made no provision whatever for the protection of its other demand obligations, amounting to more than $200,000,000.

As well might we say that the banks of Scotland are carrying $135,000,000 of gold coin to protect their $40,000,000 of notes and not to protect their other demand obligations, amounting to more than $600,000,000.

Let it be distinctly understood, once for all, that it requires just the same reserve to protect $100,000 of deposits, subject to check, as it does to protect $100,000 of credit notes, and that there is not the slightest difference between them as liabilities, both being current accounts and payable upon demand *in legal tender* should the creditor so require.

In France both the note holder and the depositor stand upon identically the same footing, neither being protected more than the other by a guaranty fund or a prior lien. Although the notes of the Bank of France amount to $929,000,000, or more than five times the deposits, which amount to only $200,000,000, the Frenchman has as much confidence in his note as any American has in our bank note or any Englishman in a Bank of England note.

The note of the Bank of France, however, is the purest kind of a credit note. It rests entirely upon the credit of the Bank of France and is protected only by its general assets. It has always been a practically un imited issue, because the limit has always been far

above the requirements of trade, being to-day fixed by law at $1,450,000,000, while the actual issue is only $1,193,000,000.

In 1903 one hundred years had expired since Napoleon prescribed the basis of this ideal credit note which has done so much to give France the lowest interest rate in the world, thus proving that while she has had the cheapest tool with which to do her commercial work that tool has been as good as the best in the world.

The Bank of France has a capital of $35,000,000 and carries a reserve of $588,000,000.

This capital and gold reserve are, first, to protect all the liabilities of the bank—the current accounts, deposits, and notes; second, to guarantee the parity of gold and silver and in that way the stability of the monetary system of France, and, third, to establish a commercial reserve for the protection of all French credits.

GERMAN BANK NOTES.

The Reichsbank, or Imperial Bank of Germany, was created in 1875 out of the Bank of Prussia, which had existed since 1765.

This bank is obliged to hold in its vaults, as security for the amount of its bank notes in actual circulation at any time, one-third in current German gold, Government certificates, or in bullion or foreign coin (the pound fine being reckoned at $348), and the balance in discounted notes which bear a maturity of three months at the longest, and on which the names of three or at least two persons known to be responsible stand as indorsers. When the circulation exceeds the metallic reserve by the arbitrary amount of $112,500,000, upon which there is no tax, a tax of 5 per cent is imposed.

No bond or guaranty fund stands between the note holder and possible loss. In case of the liquidation of the bank the note holder and the depositor stand on the same footing.

Here is a true credit currency, with a basis and a relation to the deposit identical with that of the Bank of France to all intents and purposes, the only essential difference being in the nominal limit upon notes of the Bank of France and the 5 per cent tax imposed, under certain conditions, upon notes of the Imperial Bank of Germany.

The entire capital of $37,500,000, with a surplus of $10,125,000 and a metallic reserve of $200,000,000, not only serves the purpose of protecting the bank's own liabilities, but is considered as the commercial reserve of German credits. Therefore he who assumes that the entire metallic reserve is intended to protect the notes of the bank utterly misapprehends its purpose; for if the law made no requirement whatever the reserve would not be a single mark less. Laws more powerful than written statutes control the motives and policies of the managers.

While neither bonds nor gold coin are set apart to protect specially the bank notes, does any American suppose that the German people hesitate to take them or do not accept them with all the assurance he may possess when boasting of the American bank note?

ENGLAND HAS RECOURSE TO A CREDIT CURRENCY.

The Bank of England, too, issues a credit currency whenever the emergency arises. Since the passage of the bank act of 1844, which was supposed to plant the currency of Great Britain upon coin or

bullion alone, in every case where a crisis has arisen or has been threateningly impending the bank act has been suspended. It was suspended three years later, in 1847. It was suspended ten years later, in 1857, and nine years later, in 1866, and bank notes issued without reference to a deposit of gold coin or bullion; while preparations for its suspension have been frequently made since, with the uniform result of breaking the force of the panic and ending the crisis. The "currency principle," or a currency based on coin alone, proved a failure in both Amsterdam and Hamburg in 1764, and again in Hamburg in 1857.

AMERICAN PRECEDENTS.

Crossing the Atlantic, let us review the history of credit notes in our own country, and we shall find that during a period of seventy years, wherever tried, credit notes proved themselves the only perfect instrument of modern trade, whose corner stone is credit.

CLEARING-HOUSE CERTIFICATES.

What is a clearing-house certificate? It is a bank note issued by the clearing house and based upon the assets of the banks deposited with the clearing house, and therefore a credit note in identically the sense in which this bill recommends a credit currency. In 1884 the New York banks issued $24,915,000 credit notes or clearing-house certificates, and in 1890 they issued $15,205,000 of them. In 1893 the New York banks issued $38,280,000 of these credit notes, and Boston, Baltimore, Philadelphia, and Pittsburg $25,000,000 of them. Therefore we assert that at no time whenever a great crisis has arisen has England or the United States or any other country found relief except in the expansive principle of issuing notes based upon credit or the goods in the country, and not upon coin.

J. Laurence Laughlin, in support of this proposition, used this language:

> It is in such circumstances as these, we shall find, that means of payment are created, based again on goods such as clearing-house certificates; or, as in England, by obtaining new reserves of notes based on consols by a suspension of the bank act. In short, a panic demonstrates that credit transactions are really based on goods; that liquidation never can be forced in money, and that the invariable remedy is some method of tiding over the emergency by creating means of payment based on goods (not specie) which will be acceptable by lenders from borrowers (e. g., clearing-house certificates).

THE FIRST UNITED STATES BANK.

In the very morning of our national life our experience began with a true credit currency issued under the charter of the first United States bank, granted February 25, 1791. The act was drawn by Alexander Hamilton and signed by George Washington.

This bank could "establish offices wherever they shall think fit in the United States for the purpose of discount and deposit only;" and the act further provided that "the total amount of the debt which the said corporation shall at any time owe, whether by bond, bill, or note, or other contract, shall not exceed the sum of $10,000,000" (which was the amount of its capital) "over and above the moneys then actually deposited in the bank for safe-keeping."

The right of note issue, then, by the terms of the act was measured by the capital; and yet in 1811 the balance sheet showed only $5,037,125 of notes out, although the bank had the right to issue $10,000,000.

First bank of United States—statement of condition, January, 1811.

RESOURCES.

Loans and discounts	$14,578,[illegible]
United States 6 per cent stock	2,750,[illegible]
Other United States indebtedness	57,[illegible]
Due from other banks	894,145
Real estate	500,[illegible]
Notes of other banks on hand	302,341
Specie	5,[illegible]
Total	24,183,[illegible]

LIABILITIES.

Capital stock	$10,000,[illegible]
Undivided surplus	509,[illegible]
Circulating notes outstanding	5,037,125
Individual deposits	5,[illegible]
United states deposits	1,929,[illegible]
Due to other banks	634,[illegible]
Unpaid drafts outstanding	171,[illegible]
Total	24,183,[illegible]

At the end of twenty years there were only eight branches, located at New Orleans, Savannah, Washington, Charleston, Norfolk, Baltimore, New York, and Boston, together with the home office at Philadelphia, although they could "establish offices wherever they shall think best."

The curse of unreasoning partisanship was abroad in the land then as now, and a renewal of the charter was defeated in the House by a single vote, the motion to postpone indefinitely being carried by 65 to 64. The vote in the Senate was a tie, and the question was decided by George Clinton, Vice-President, voting against it.

Every note of the bank had been equal to coin in all parts of the United States, and when it was liquidated the shareholders received $434 per share, or a premium of $34, the par being $400.

THE SECOND UNITED STATES BANK.

In his message of December 5, 1815, James Madison urged a Second United States Bank as the proper instrumentality by which we should again resume specie payments, and immediately his Secretary of the Treasury, Mr. Dallas, submitted a detailed plan.

The Second United States Bank, with a capital of $35,000,000, was chartered by act of April 10, 1816, which contained these words:

> The total amount of debts which the corporation shall at any time owe, whether by bond, bill or note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of $35,000,000.

Thus it will be seen that the issue of notes was limited to the amount of the capital, and by the act they were redeemable in coin. The directors were authorized to establish branches.

When the partisan rage of Jackson over the Portsmouth branch appointment had obscured every public consideration, the work of destruction began, which resulted in tearing down an institution of great usefulness and setting back the evolution of a sound system of banking and currency for nearly a century.

For evade it as we may to-day the time will come when the underlying principles of that institution will be incorporated into the laws of the land, and every bank will be compelled to redeem its obligations in gold coin. Then the banks will take their place among the financial institutions of the world, and their notes will once more be accepted throughout all the civilized parts of the earth.

In 1829 Jackson assumed the duties of the Presidential office. James Parton, his eulogistic biographer, in speaking of the United States Bank at this time, says:

Its capital was thirty-five millions. The public money deposited in its vaults averaged six or seven millions; its private deposits six millions more; its circulation twelve millions; its discounts more than forty millions a year; its annual profits more than three millions. There were 25 branches in the cities and towns of the Union. * * * In every county of the Union, in every nation on the globe were stockholders of the United States Bank. One-fifth of its stock was owned by foreigners, one-fourth of its stock was owned by women, orphans, and the trustees of charity funds, so high, so unquestioned was its credit. Its bank notes were as good as gold in every part of the country. From Maine to Georgia, from Georgia to Astoria, a man could travel and pass these notes at every point without discount. Nay, in Sweden, Paris, Rome, Cairo, Calcutta, St. Petersburg, the notes of the Bank of the United States were worth a fraction more or less than their value at home, according to the current rate of exchange. They could usually be sold at a premium at the remotest commercial centers. It was not uncommon for the stock of the bank to be sold at a premium of 40 per cent. The directors of the bank were 25 in number, of whom 5 were appointed by the President. The bank and its branches received and disbursed the entire revenues of the nation.

Principal items of resources and liabilities of the Bank of the United States from 1817 to 1840.

RESOURCES.

Year.	Loans and discounts.	Stocks.	Real estate.	Banking houses.
1817	$3,485,195	$4,829,234	.....	.....
1818	41,181,750	9,475,932	.....	$175,201
1819	35,786,263	7,391,823	.....	433,808
1820	31,401,158	7,192,980	.....	1,296,626
1821	30,905,199	9,155,855	.....	1,886,724
1822	28,061,169	13,318,951	$563,480	1,855,946
1823	30,736,432	11,018,552	626,674	1,956,764
1824	33,432,084	10,874,014	1,302,551	1,871,635
1825	31,812,617	18,422,027	1,495,150	1,852,935
1826	33,424,621	18,303,501	1,848,354	1,792,870
1827	30,937,866	17,764,359	2,039,226	1,678,192
1828	33,682,905	17,624,859	2,295,401	1,634,260
1829	39,219,602	16,099,099	2,345,539	1,557,356
1830	40,663,805	11,610,290	2,886,397	1,444,801
1831	44,032,057	8,674,681	2,629,125	1,344,761
1832	66,293,707	2,200	2,136,525	1,159,637
1833	61,695,913	.....	1,855,169	1,181,071
1834	54,911,461	.....	1,741,407	1,189,125
1835	51,808,739	.....	1,760,632	1,218,896
1836	59,232,445	.....	1,486,561	967,404
1837	57,393,709	.....	816,855	420,244
1838	45,256,571	14,862,108	1,061,663	443,109
1839	41,618,637	17,957,497	1,054,523	424,382
1840	36,839,598	16,316,419	1,228,630	610,504

Principal items of resources and liabilities of the Bank of the United States from 1817 to 1840—Continued.

RESOURCES—Continued.

Year.	Due by European bankers.	Due from State banks.	Notes of State banks.	Specie.
1817	.....	$8,848,315	$587,201	$1,721,[illegible]
1818	$1,033,682	1,203,894	1,837,254	2,815,[illegible]
1819	621,667	2,624,797	1,877,909	2,[illegible]
1820	261,518	2,727,080	1,443,166	3,[illegible]
1821	83,548	1,178,197	677,022	7,[illegible]
1822	1,107,637	1,717,723	917,629	4,761,[illegible]
1823	24,599	1,407,573	766,248	4,[illegible]
1824	1,434,020	1,287,808	705,173	5,[illegible]
1825	24,178	2,130,095	1,056,224	6,[illegible]
1826	421,524	747,375	1,114,831	3,[illegible]
1827	460,686	1,683,510	1,068,483	6,[illegible]
1828	356,740	.....	1,447,386	5,[illegible]
1829	482,240	1,723,297	1,238,578	5,[illegible]
1830	1,530,553	1,199,458	1,465,047	7,[illegible]
1831	2,383,331	.....	1,494,506	10,[illegible]
1832	91,668	3,944,849	2,171,676	7,[illegible]
1833	3,106,833	3,688,143	2,292,655	8,[illegible]
1834	1,801,669	3,058,870	1,982,649	10,[illegible]
1835	1,922,498	4,609,973	1,506,200	15,[illegible]
1836	73,171	4,088,005	1,736,491	8,[illegible]
1837	.....	2,284,598	1,206,754	2,[illegible]
1838	.....	3,657,261	866,597	3,[illegible]
1839	.....	5,833,000	1,791,580	4,[illegible]
1840	.....	7,469,422	1,383,686	1,[illegible]

LIABILITIES.

Year.	Circulation.	Deposits.	Due to State banks.	Due to bankers and others in Europe.	Other liabilities.	Capital.
1817	$1,911,200	$11,233,021	.....	.....	.....	$35,000,000
1818	8,339,448	12,279,267	.....	$1,357,778	.....	35,000,000
1819	6,763,750	5,792,869	.....	1,434,022	.....	35,000,000
1820	3,589,481	6,568,794	.....	2,053,650	.....	35,000,000
1821	4,567,053	7,894,[illegible]	.....	2,053,074	.....	35,000,000
1822	5,578,782	8,075,[illegible]	.....	2,040,000	.....	35,000,000
1823	4,391,058	7,622,340	.....	1,262,710	.....	35,000,000
1824	4,[illegible]47,077	13,701,936	.....	1,020,000	.....	35,000,000
1825	6,[illegible]88,394	12,033,364	.....	2,407,282	.....	35,000,000
1826	9,474,987	11,214,640	.....	251,194	.....	35,000,000
1827	8,549,409	14,320,186	.....	280,056	.....	35,000,000
1828	9,855,677	14,437,330	$1,697,401	1,467,806	.....	35,000,000
1829	11,901,656	17,061,918	.....	1,447,748	.....	35,000,000
1830	12,924,145	16,045,782	.....	.....	.....	35,000,000
1831	16,251,267	17,297,011	731,[illegible]	.....	.....	35,000,000
1832	21,375,724	22,761,434	1,951,103	.....	.....	35,000,000
1833	17,518,217	20,347,749	2,691,891	.....	.....	35,000,000
1834	19,208,279	10,838,555	1,522,124	.....	.....	35,000,000
1835	17,[illegible],797	11,756,966	3,119,172	.....	.....	35,000,000
1836	23,076,422	5,661,459	2,699,694	.....	.....	35,000,000
1837	11,147,968	2,332,409	2,284,598	6,926,364	.....	35,000,000
1838	9,[illegible]067	2,016,713	4,957,291	12,492,034	$7,987,434	35,000,000
1839	5,[illegible]21	6,779,334	3,061,805	12,770,000	9,261,351	35,000,000
1840	6,[illegible]861	3,378,521	4,155,996	4,971,619	8,119,468	35,000,000

The bank notes of this institution were pure credit notes, and yet were good for their face in gold not only at every point within our borders, but at every commercial center the whole world round. Can as much be said for the national-bank notes to-day?

VIRGINIA BANKS.

The Bank of Virginia was charted January 13, 1804, with a capital of $1,500,000, the shares being apportioned as follows: Three thousand five hundred to Richmond, 3,000 to Norfolk, 2,250 to Petersburg,

1,000 to Fredericksburg, 525 to Winchester, 450 to Staunton, and 525 to Lynchburg.

The bank was well managed and was highly successful. Its notes, all payable in gold, had wide circulation and were at only one-quarter of 1 per cent discount in New York. (Knox's History of Banking, p. 528.)

Again, the Farmers' Bank was chartered by Virginia February 12, 1812, with $2,000,000 capital, and had branches at all the above places except Richmond and Staunton.

One after another six branches were established by the same State, and were, indeed, great institutions, holding the complete confidence of the people.

The law provided that the total amount of the paper circulation of these banks should never exceed five times the amount of the coin in possession and actually the property of the bank. If the coin of the bank was reduced below one-fifth its circulation, it was required to stop all discounts until the ratio was restored. As a matter of fact, some of the banks issued as high as 8 to 1. These banks were subject to inspection by committees of the legislature, and sometimes examinations did occur. They were made the occasion of a dinner in the directors' rooms, and the figures were discussed over the champagne.

The banks at such times kept their coin reserve up by keeping the discounts down. It is reported that at such periods drafts drawn on New York were placed in a safe to make up the balance and called "coin." Be that as it may, there is no case on record where a bank of circulation and deposit failed, and it is claimed by those acquainted with the banking of that day that no one ever lost a dollar by a Virginia bank note previous to 1861, and they were at a discount of only one-quarter of 1 per cent in New York. (Knox's History of Banking, p. 531.)

One of the branches of the Farmers' Bank of Virginia was located at Blacksburg, a small village of two or three hundred inhabitants in Montgomery County, which is a blue-grass grazing region of country as fine as any in the world. This branch had a capital of $60,000 and a surplus of $50,000; that is, it had $110,000 of resources. But it had out its notes to the amount of $146,274, and it kept in its vaults only $29,555 of specie against these notes. With capital, surplus, and notes it had, therefore, $256,000, but its deposits were but $7,042. It had out loans, however, amounting to $227,000, which, added to the coin on hand, about balanced its resources.

Now this trifling deposit account had a deep meaning. It means that the farmers around, who borrowed the bank's money, did not take their loans in the form of credits on which they checked. It means that they took the bank's notes and put them in their pockets and carried them home and paid them out to their neighbor, and as everybody had confidence in the bank, whose managers were the leading people of the community, nobody ever thought of going to the bank and demanding redemption of their notes in coin, so that once out they remained out indefinitely and circulated around among the people, performing the function of money as well as the purest of gold dollars. The result was that they could so multiply their capital that they could afford to charge very low rates of interest, and the people generally had an abundance of money at most reasonable rates. (Address of William L. Royall before the convention of the American Bankers' Association, 1898.)

KENTUCKY BANKS.

The legislature of Kentucky, in the session of 1833–34, granted a charter to the Bank of Kentucky, with $5,000,000 of capital and the privilege of six branches. Charters were also granted to the Northern Bank of Kentucky, with a capital of $3,000,000, and the Bank of Louisville, with a capital of $5,000,000, each institution having the power or right to issue notes to double the amount of their capital.

While the Northern Bank of Kentucky liquidated in 1898 and the Bank of Louisville was merged into the Southern National Bank in 1899, the Bank of Kentucky had in the latter year a capital of $1,645,000 and a surplus of $1,103,000, giving indubitable proof that no one had ever suffered because of its branches or power of note

issue. And there it stands to-day, occupying the building it purchased from the United States Bank, a monument to the sound principles upon which it was founded.

It may be most fittingly observed before passing that when in May, 1837, the blighting wave of suspension swept from New York across the country these three banks of Kentucky held $1,900,000 in specie against $3,300,000 of notes in circulation—an object lesson for those who may possibly fear that banks can not obtain sufficient coin to-day to protect the notes they are permitted to issue.

NORTH CAROLINA BANKS.

In 1858–59 the general assembly of the State of North Carolina chartered "The Bank of North Carolina," with a capital of $2,500,000, the power to have branches, and the right to issue its notes in double the amount of its capital, but not to exceed three times the specie on hand.

Branches were established at Wilmington, Fayetteville, Tarboro, Windsor, Milton, Charlotte, and Morganton.

In November, 1859, the statement showed that the bank held $683,842 in gold and only $13,148 in silver, or a ratio of 52 to 1. On October 20, 1860, the circulation was $1,311,301 and the specie $490,714, or a little more than $3 in specie for every dollar in circulation.

In 1859 the Bank of Cape Fear held $481,550 in specie against $1,922,309 of circulation. The Bank of Wilmington held $66,462 in specie against $498,642 of circulation. The Bank of Fayetteville held $61.104 in specie aginst $233,375 of circulation.

What a splendid exhibition this array of figures furnishes of the right principles of banking. It is hoped that every banker in the United States and every layman who is compelled to borrow or is inclined to think about the subject of finance may read the charter and the by-laws of the Bank of North Carolina and fully understand the profound meaning of the above figures in the light of the times and circumstances.

NEW YORK BANKS.

The very year that Jackson made his violent attack upon the United States Bank the legislature of New York passed what is known as "the safety-fund act," which became a law April 2, 1829.

By that act the banks were required to pay into a safety fund, to be held by the comptroller and treasurer, a tax on the capital stock at the rate of one-half per cent per annum until the amount paid in was equal to 3 per cent of the capital. They could issue notes to double the amount of their capital, while their loans could not exceed two and one-half times their capital.

From 1829 to 1841, notwithstanding the panic of 1837, no bank which had been organized under this law failed. The chancellor of the State, in construing the statute, unfortunately held that the safety fund, which was only intended by the author of the plan to protect the note holder, was applicable also to the other debts of the banks.

The commissioners, commenting upon the decision, said:

This peculiar feature of the law does not seem to have been generally understood either by the public at large or even by those engaged in the business of banking,

and great doubt is entertained in regard either to its justice or its expediency. * * * The safety-fund act was primarily designed to secure bank-note holders and not depositors or other creditors.

The Hon. Millard Fillmore, comptroller in 1848, stated in his report of December 30:

It is therefore apparent that the safety fund would have provided an ample indemnity to the bill holder had it not been applied to the payment of other debts of the bank than those due for circulation.

But the notes issued under this safety-fund system of New York were of a purely credit character, and would have proved safe beyond any peradventure but for a misinterpretation or miscarriage of the law.[a]

INDIANA BANKS.

The black shadow cast upon the commerce of the country by the persistent attacks of President Jackson against the United States Bank projected itself over the Alleghenies and across the fertile plains of the Mississippi Valley, and not until 1834 did Indiana take the first intelligent step forward by incorporating "The State Bank of Indiana."

The Bank of Indiana, which became a model, was chartered with a capital of $1,600,000, and the State was divided into 10 districts, afterwards increased to 17, there being a branch of the bank in each.

Under its charter the bank could receive deposits, buy and sell gold, silver, bullion, and foreign coins, discount commercial paper, and issue bills payable to bearer—a true credit note. A forfeiture of 12½ per cent was imposed upon all notes not redeemed in coin.

State Bank of Indiana.

	1835.	1840.	1845.	1850.	1855.
RESOURCES.					
Loans and discounts	$1,434,790	$2,912,619	$1,830,181	$1,709,985	$1,024,648
Bills of exchange	376,175	704,628	1,197,435	2,414,951	3,654,132
Real estate, etc	19,510	204,805	348,169	364,233	177,825
Due from other banks	759,660	335,505	638,699	598,014	929,425
Notes of other banks	572,078	195,724	84,188	355,585	292,736
Other securities	.....	1,092,963	663,133	224,842	238,203
Specie	797,811	1,022,963	1,079,368	1,197,880	1,223,199
LIABILITIES.					
Capital stock	1,199,778	2,690,000	2,878,894	2,082,950	2,150,107
Surplus	170,000	275,839	375,239	750,678	1,228,301
Public deposits	1,124,007	79,227	.....	.....	.....
Individual deposits	379,543	309,248	359,265	556,482	599,177
Due other banks	23,415	154,423	45,656	112,175	120,666
Circulation	1,534,020	2,835,902	3,667,495	3,548,267	3,397 251

[a] The system did not meet with the success that the principle would seem to warrant, and this was chiefly due to the attempt to make all the debts of the insolvent banks chargeable to it. The heaviest failures took place before the change was made in the law by which the circulating notes alone were redeemed from the safety fund. The history of the fund from 1829 to 1866, a period of nearly forty years, indicates that if from the first the contributions of the incorporated banks had been applied to redeeming the notes of the insolvent institutions they would have been ample for the purpose, and would have made the circulation of the safety-fund banks more secure than that of the banks under the free-banking system. (Knox's History of Banking, p. 412.)

The institution was hardly under way when the panic of 1837 broke upon the country. The New York banks suspending compelled the Indiana bank to follow in order that it could protect itself. John Jay Knox says:

> No bank in the country stood higher than did the State Bank of Indiana during the panic. In all the Western and Southern States its notes commanded a premium and in the East were taken at a small discount. * * * Its loans were made in small amounts and scattered all over the entire State, thus affording the greatest possible measure of relief.

Great as was the success of this splendid institution, the Jacksonian Democrats, coming into power, at once began an assault upon it precisely as their leader had laid the ax to the roots of the United States Bank.

The Indiana Democrats failed to destroy the Bank of Indiana, but succeeded in passing a general banking law permitting banks to be established upon filing with the auditor of the State the bonds or other evidences of debt of the Federal Government or of any of the States as security for the notes to be issued.

The State of Indiana itself went into the business of issuing notes, and even plank-road companies issued them. The Indiana State notes could be had for 60 cents on the dollar, and were called "red dog." The plank-road notes and others of similar value were called "blue pup."

The Bank of the State of Indiana, organized in 1855 with 20 branches to take the place of the Indiana State Bank, maintained the same high standard as its predecessor, going through the panic of 1857 without suspension, although every private bank in the State, except two at Indianapolis and one at Fort Wayne, went down.

Bank of the State of Indiana.

	1858.	1859.	1860.	1862.	1864.[a]
RESOURCES.					
Loans and exchange	$5,154,548	$6,213,659	$7,790,315	$8,857,428	$4,118,[illegible]
Real estate, etc	257,035	316,930	263,949	241,210	169,[illegible]
Due from other banks	982,731	716,631	1,152,119	1,342,104	763,[illegible]
Other securities				407,218	[illegible]
Bills of other banks[b]	335,189	264,964	217,429	1,233,122	1,[illegible]
Specie	1,685,894	1,411,500	1,917,368	3,472,369	1,417,[illegible]
LIABILITIES.					
Capital stock	2,486,259	2,988,431	3,323,850	3,354,200	2,775,[illegible]
Surplus	318,382	553,259	738,905	1,006,852	1,345,[illegible]
Due other banks	146,750	81,663	45,991	260,000	91,[illegible]
Deposits	[illegible],168	834,188	1,186,870	2,033,795	2,755,[illegible]
Circulation	4,502,348	4,303,286	5,753,610	4,975,332	1,[illegible]

[a] Before the reports of 1864 were made most of the banks had been converted into national banks and others were preparing for the conversion. All but three became national banks.
[b] Includes United States notes.

THE STATE BANK OF OHIO.

On February 24, 1845, the legislature of Ohio passed a bank act, under which the Ohio State Bank was organized with the right to establish branches and to issue notes. Each branch was required to deposit 10 per cent of the amount of its circulation to create a safety

fund to redeem the notes of any branch that might fail. In 1846 there were 17 branches; in 1848, 25 branches; in 1849, 38 branches, and in 1850, 39 branches.

The note issues were of a purely credit character and were proportioned to the capital as follows: For the first $100,000 of capital there might be $200,000 of notes; for the second $100,000 of capital, $150,000 of notes; for the third $100,000 of capital, $125,000 of notes; for the fourth $100,000 of capital, $100,000 of notes, and for each additional $100,000 of capital, $75,000 of notes.

The evident purpose of the act was to give the people a uniform and sound currency, and the plan succeeded admirably. "The State Bank of Ohio was regarded as one of the soundest in the country."[a]

The essence of the act was in the requirement that the notes issued by the respective branches should be redeemed in gold or silver coin, the lawful currency of the United States, and in the insurance given of this result by a reserve equal to 30 per cent, of which at least one-half should be gold or silver and the balance equivalent to gold or silver coin.

THE BANK OF THE STATE OF MISSOURI.

In the fatal 1837 the Bank of the State of Missouri was established, with five branches, located at Lexington, Fayette, Palmyra, Cape Girardeau, and Springfield, and with authority to issue its credit notes without limit if it maintained a coin reserve of 33⅓ per cent. Its capital was $3,450,000, one-half of which was owned by the State.

This was the only bank in the South or West that did not even temporarily suspend specie payments. Its credit notes were always and constantly redeemed on demand in specie. Indeed, so good were these credit notes that they were preferred to specie in New Mexico, Utah, and on the Pacific coast; and a gang of counterfeiters, taking advantage of their high standing, struck off imitations of them in large quantities.

And yet the issues of the bank never equaled the maximum limit of three times the coin held, the amount in circulation in 1856 being only $2,200,000, while the coin in the vaults was $1,140,000, although it was the only incorporated bank at that time doing a regular banking business in the State.

LOUISIANA BANKS.

In 1842 the State of Louisiana passed a bank act, which, though erring in one or two particulars, was nevertheless almost ideal, and under it "the State, in 1860, stood fourth in banking capital and held more specie than any other State except one."[a]

No limit was placed upon the amount of credit notes the banks could issue, and no security was specially pledged for their redemption. The virtue and real substance of the act was in requiring a coin reserve of 33⅓ per cent of all liabilities, deposits as well as notes, and confining the loans outside of capital to paper running for ninety days or less.

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[a] Horace White.

Not a single bank organized under this law suspended specie payment during the panic of 1857, and all were conforming to the requirements of redemption when General Butler marched down the streets of New Orleans.

THE STATE BANK OF IOWA.

Iowa, in the morning of her statehood, was opposed to banking as a business, her first constitution providing "that the general assembly shall provide for the organization of all other corporations except with banking privileges, the creation of which is prohibited."

The constitution also provided that "The general assembly shall prohibit by law any person or persons, association, company, or corporation from exercising the privilege of banking or creating paper to circulate as money," the penalty for each offense being one year in the county jail and a fine.

But during the intervening years down to 1857, when the new constitution was framed, Iowa had suffered so severely from *the bond-secured circulation* of Illinois in particular, known as "wild-cat," "red-dog," and "yellow-dog" money, that provision was incorporated permitting the legislature to create corporations with banking powers, subject, however, to a vote of the electors, and also to establish a State bank with branches, founded on actual specie basis.

It was provided that the branches should be mutually responsible for each other's notes; that the stockholders should be liable for an additional amount equal to their stock; that the bank could issue pure credit notes for double the amount of the paid-up capital; that in case of insolvency the bill holder should have a prior lien over other creditors, and that specie redemption must be maintained.

To secure this solvency beyond peradventure each branch was required to deposit with the State bank either coin, United States stocks, or interest-bearing State stocks at their market value in New York, but in no case above par. This deposit was equal to 12½ per cent of the note issue and was known as "the safety fund" to redeem the notes of the branches in case any of them failed to do so. In addition each branch must have on hand an amount of coin equal to 25 per cent of its notes outstanding and deposits held.

Here are all the prerequisites of a well-nigh perfect banking system: and the result proved the soundness of the plan.

"The notes were so good," an Iowa Member of this House remarked the other day, "that they would not stay at home."

When the national banking system was established in 1865 and the 10 per cent tax on circulation was imposed the life was choked out of one of the most perfect banking systems that had ever existed; and every note of the $1,139,764 outstanding on January 2, 1865, was redeemed without the loss of a single cent to the holders.

State Bank of Iowa, statement January 2, 1865.

ASSETS.

Location of branches.	Safety funds.	Specie.	Notes of other banks.	Due from other banks.	Loans and discounts.	United States and State bonds.	Other items.
Burlington	$35,500	$77,526	$243,654	$139,525	$470,432	$19,100	$3,454
Council Bluffs	68,000	6,333	25,520	64,148	59,664	1,824	11,192
Davenport	25,000	3,284	217,401	58,147	166,490	54,600	11,376
Des Moines	19,500	36,731	66,646	4,735	173,894	10,000	1,986
Dubuque	36,305	71,806	102,817	84,345	427,826	115,956	20,408
Fort Madison	19,000	16,674	38,433	7,577	60,272	3,588	20,021
Iowa City	13,000	8,775	112,415	37,153	128,823	27,881	2,818
Keokuk	20,000	38,288	71,835	41,353	169,090	40,278	2,871
Lyons City	12,500	33,678	47,487	68,223	86,037	8,200	5,227
Maquoketa	7,700	15,543	46,747	27,200	30,603	1,687	4,221
McGregor	7,000	4,934	8,007	.....	58,981	1,050	84
Mount Pleasant	12,000	23,526	123,446	13,383	175,677	31,287	10,993
Muscatine	11,000	19,754	73,373	55,000	158,955	7,022	16,094
Oskaloosa	12,000	22,270	31,006	21,029	108,734	.....	6,833
Washington	10,400	10,674	91,688	46,686	192,877	38,700	5,260
Total	308,905	389,802	1,300,481	668,511	2,468,362	361,182	122,844

LIABILITIES.

Location of branches.	Capital.	Circulation.	Due other banks.	Due to depositors.	Other items.	Total liabilities.
Burlington	$150,000	$266,940	$1,265	$552,177	$18,810	$989,193
Council Bluffs	50,000	97,904	113	57,135	31,530	236,683
Davenport	60,000	1,785	5,454	452,751	16,308	586,299
Des Moines	78,000	140,035	1,404	83,369	10,684	313,492
Dubuque	150,000	283,837	9,148	361,474	55,005	859,465
Fort Madison	77,000	68,886	187	19,493	.....	165,566
Iowa City	70,000	82,276	479	214,772	13,348	330,875
Keokuk	80,000	132,477	1,233	156,232	13,773	383,717
Lyons City	50,000	86,586	1,501	111,758	11,509	261,355
Maquoketa	25,000	30,640	46	73,339	4,679	133,705
McGregor	50,000	19,484	296	4,009	6,268	80,058
Mount Pleasant	50,000	90,390	1,616	212,738	35,569	390,314
Muscatine	58,200	64,390	12,069	199,816	6,722	341,199
Oskaloosa	50,000	81,131	.....	64,355	6,388	201,875
Washington	50,000	43,003	110	288,037	15,136	396,286
Total	1,048,200	1,439,764	34,929	2,851,462	245,735	5,620,091

THE SUFFOLK SYSTEM OF NEW ENGLAND.

During all this varied experience in the West and South there was a most conspicuous illustration of a true credit currency in process, demonstrating and proving every principle involved in adapting it to our 12,000 banks, State and national, should the former desire to come into the system. It was the Suffolk system of New England.

Here were six States, with laws varying in each, and portions of them far more remote from Boston, where the Suffolk Bank was located, than any part of the United States is from any other part to-day, so far as business relations and convenience are concerned.

There were no railroads, telegraph lines, or long-distance telephones. Indeed, almost every essential to anything like a sound system of banking, as observed from the standpoint of to-day, was wanting. There was no law requiring a uniform reserve. There was no law requiring coin redemption. There was no law requiring a bona fide capital. There was no check upon the amount of notes any bank might issue if dishonestly inclined.

There were, in 1848, 306 banks deriving their authority from the six States, and 159 of them did not possess an average capital of $100,000; nor was the average capital outside of Boston more than $160,000, and including that city it was not more than $206,000.

By 1860 there were 504 banks. There are only 515 national banks to-day in the same States. Can any fair-minded, impartial man deny that the conditions to-day are vastly in favor of better results? One law for all, a bona fide capital, a required reserve, a system of redemption established by law, notes furnished by the Government, and a common national supervision all unite to compel the admission that any system that could prove its adequacy under such adverse conditions from 1840 to 1860 would certainly approximate perfection to-day.

Nowhere in the whole range of banking experience have so many things been demonstrated beyond cavil which the student of this subject wants to know.

To all intents and purposes the possible issues were without limit, the actual circulation in 1840 being only 23 per cent of that permitted, in 1850 only 40 per cent, and in 1860 only 36 per cent.

During every year from 1840 to 1860, except one, the note issues were greater (and usually nearly double) than the deposits, illustrating with what certainty such a system adapted itself to the ever-varying needs of the people who were fortunate enough to have it and how it invariably, with peculiar fitness, met the needs of the rural districts where currency and not checks was especially required.

The States of New Hampshire and Vermont had bank capital amounting to $8,150,000 in 1850 and notes outstanding amounting to $7,300,000, while Boston, with $32,700,000 of capital, had out only $7,500,000 of notes.

CONTEMPORARY COMMENTS OF OFFICIAL REPORTS ON THE SYSTEM.

The currency of this State is of the first order and can not be improved, being equal to gold and silver. This is strong language, we admit, yet perfectly true, for every bill holder can on demand convert his bills into coin. (Connecticut Bank Commissioners' Report, 1841.)

If there was no check upon circulation there might be some danger, but the frequent redemptions at the Suffolk Bank and the rapid communications between different parts of the country will prevent any greater circulation than the natural business wants of the country will sustain. * * * Indeed, this system of par redemption seems to be a most perfect regulator upon all the New England banks. It would seem somewhat surprising that something has not been adopted in other parts of the country that should produce the same beneficial results. (Connecticut Bank Commissioners' Report, 1848.)

We believe there is not a more sound and safe currency in existence than that furnished by the banks in this State. We know of no better system of banking than ours. (Connecticut Bank Commissioners' Report, 1849.)

The bills of any country bank, redeemed at par in any commercial city, will always be current throughout the extent of region whose business channels flow to that city. Hence, New England money is worth more in the cities of New York and Philadelphia than the bills of their own country banks. Vermont bills have uniformly borne a premium in the eastern cities without loss, while bills of their own States are at a heavy discount. (Vermont Bank Commission's Report, 1852.)

The "Suffolk system," though not recognized in our banking law, has proved to be the great safeguard to the public. Whatever objections may exist to this "system" in theory, its practical operation is to keep the circulation of our banks within the bounds of safety. No sound bank can have any well-founded reason for refusing to redeem its bills in Boston, and a bank that is not sound can not long do business under that system and ceases to be in good credit when it is "thrown out at the Suffolk." (Maine Commissioners' Report, December 31, 1857.)

It is by no means wonderful that a system which has stood the test of time and struck its roots so deep as to have become incorporated with and formed a part of our banking system should be abandoned with hesitation for one which is new and untried. (Maine Bank Commissioner's Report, 1865.)

The charters of the banks have been renewed. If the laws by which they are constituted the agents of the people to provide a currency, and by which their faithfulness in the discharge of such agency is secured, remain unchanged, there is every reason to believe that the currency of Massachusetts will be for the next twenty years what it has been for the twenty years past—as perfect as any in existence, as perfect as in the nature of things it can be. No reasonable man, no practical man, no man who is not bound hand and foot in the fetters of mere theory, can desire for the people a currency better adapted to meet all the circumstances of a business community than that which has been furnished by the banks of Massachusetts for the last quarter of a century. (James B. Congdon, cashier Merchants' Bank, New Bedford, in memorial to governor of Massachusetts, 1851.)

The anomalous feature of the case is that the well-secured bond-protected bank issues of New York are at a greater discount at this point than the apparently unsecured circulation of New England, including places hundreds of miles off, and inaccessible, in a measure, for compulsory redemption. * * *

We said that the Massachusetts currency was apparently unsecured. In reality their bank paper is well secured. The experience of the last fifteen years has demonstrated that the losses from bank issues in the State of New York are four or five times greater than in Massachusetts. The system of the latter is better than our own. (New York Courier and Enquirer, 1854.)

The State parts with these objects of her care and solicitude with many regrets, but with a just pride in their career, inspired by the belief that their capital has been highly instrumental in promoting the prosperity of the State, and that they have furnished as good a paper currency, based on individual credit, as any part of the country has ever enjoyed. (Massachusetts Banking Report, 1865.)

THE SUFFOLK SYSTEM THE BETTER.

When the soundness of this system is tested by a comparison with the national system of to-day the result more than justifies the assertion that the former was incomparably the better; for, when the conditions during the twenty years from 1840 to 1860 are compared with those of the past thirty years, all must admit that argument is futile and the conclusion inevitable.

Mark this, that while a tax of one-eighth of 1 per cent on all the notes in circulation would have paid all the notes of failed banks from 1840 to 1860, it would have taken a tax of one-fifth of 1 per cent on all notes out to pay the notes of the failed national banks.

Nor is this all. The Suffolk system greatly lowered the rates of interest and thereby advanced the welfare of labor and brought a larger return to the producers through New England.

It has been impossible for the banks of discount to find use for all their means in discounting good paper, and some, having the largest capital, have reduced the rate of interest, in a few instances, to 5, 4, and even 3 per cent. (Connecticut Bank Commissioners' Report, 1844.)

If the rate of 3 per cent was reached in 1844, what ought it to be to-day with our vastly increased capital in the banking business? But the fact is that we have the most expensive banking system in the world, which, if persisted in, may drive us from the coveted fields of the world's commerce.

The following table indicates the distribution of the New England banks, according to size, about 1840:

	$50,000 or less.		Over $50,000; less than $100,000.		$100,000.	
	No.	Amount.	No.	Amount.	No.	Amount.
Maine (January, 1841)	22	$1,099,000	6	$445,000	11	$1,100,000
New Hampshire (June, 1840)	2	100,000	3	185,000	16	1,600,000
Vermont (October, 1839)	6	280,000	8	562,770	2	200,000
Massachusetts (October, 1840)	.....	.....	.....	.....	30	3,300,000
Rhode Island (December, 1840)	15	601,480	14	1,006,510	6	600,000
Connecticut (March, 1840)	1	40,000	7	479,580	1	100,000
Total	a46	2,120,480	38	2,678,800	75	7,300,000

	Over $100,000: less than $300,000.		$300,000 or over.		Total.	
	No.	Amount.	No.	Amount.	No.	Amount.
Maine (January, 1841)	6	$1,027,500	2	$700,000	47	$4,371,500
New Hampshire (June, 1840)	5	652,508	1	300,000	27	2,837,508
Vermont (October, 1839)	2	255,000	.....	.....	18	1,297,770
Massachusetts (October, 1840)	42	7,740,000	34	22,110,000	115	33,760,000
Rhode Island (December, 1840)	14	2,218,950	13	5,548,275	62	9,975,215
Connecticut (March, 1840)	12	2,283,115	10	6,025,550	31	8,878,205
Total	81	14,147,073	60	34,683,825	300	61,142,482

a Of these 46 banks, 7 are of less than $40,000 capital, 3 of these being $25,000 or less.

The maximum limit to circulation was, in the early days of the New England banks, established by the State legislatures in the case of each individual bank and varied widely, not only from State to State but also among the different charters in the same State. The differences between charters granted in the same State had, however, for the most part, been done away with before 1840, and between 1840 and 1860 the relation between circulation and capital was fixed in the New England States as represented in the annexed table:

	Per cent of capital.
Massachusetts	125
Vermont after 1840	200
New Hampshire	a100
Maine, to 1846:	
Banks with a capital of $50,000 or less	200
Banks with a capital of from $50,000 to $150,000	75
Banks with a capital of more than $150,000	60
Maine, after 1846	b50
Connecticut, before 1855	150
Connecticut, 1855–1858	125
Connecticut, after 1858	75
Rhode Island:	
Banks with capital of $50,000 or less	75
Banks with capital of $50,000 to $120,000	65
Banks with capital of $400,000 to $500,000	20
Rhode Island, after 1859	65

Actual circulation compared with circulation permitted.

1840.

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted
Massachusetts	115	$33,750,000	$9,112,892	$42,187,000
Rhode Island	62	9,880,500	1,719,230	5,000,000
Connecticut	31	8,806,204	2,325,589	13,209,000
Maine	49	4,671,500	1,224,658	3,500,000
New Hampshire	27	2,837,508	1,068,750	2,837,000
Vermont	17	1,196,770	1,099,784	3,500,000
Total	301	61,142,482	16,570,893	70,233,000

a Less loans on pledge of the bank's stock.
b Plus specie held.

Actual circulation compared with circulation permitted—Continued.

1850.

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted.
Massachusetts	126	$36,925,050	$17,005,826	$46,156,000
Rhode Island	63	11,716,337	2,553,865	6,000,000
Connecticut	37	9,152,801	4,888,029	13,729,000
Maine	32	3,248,000	2,654,208	3,050,000
New Hampshire	22	2,203,950	1,751,096	2,208,000
Vermont	27	2,197,240	2,856,027	4,395,000
Total	307	65,443,378	31,709,051	75,583,000

1860.

Massachusetts	178	$66,482,050	$25,012,745	$88,102,000
Rhode Island	91	20,865,569	3,558,295	13,562,000
Connecticut	74	21,606,997	7,702,436	16,205,000
Maine	68	7,506,890	4,149,718	5,765,000
New Hampshire	51	4,981,000	3,332,010	4,931,000
Vermont	44	3,872,642	3,784,673	7,745,000
Total	506	125,315,148	47,539,877	131,310,000

Statement showing condition of banks in the six New England States for years 1840–1860, as near to January 1 in each year as may be.

Year.	Number of banks.	Capital.	Circulation.	Deposits.	Due to other banks.[a]	Loans and discounts.	Due from other banks.	Specie.	Notes of other banks.
1840	306	$62,212,311	$16,461,947	$7,943,127	$3,174,180	$80,832,718	$5,883,718	$3,270,838	$2,367,809
1841	299	60,805,718	17,406,407	10,783,948	4,908,263	81,584,545	7,810,599	4,357,311	2,963,410
1842	290	59,542,546	18,106,582	10,340,173	5,215,637	81,769,111	6,999,410	4,353,604	3,136,251
1843	288	58,532,793	14,827,256	19,131,070	4,017,875	76,257,474	5,692,143	3,872,914	2,677,467
1844	270	56,113,451	19,406,979	15,143,972	9,414,703	75,774,234	12,746,274	8,597,775	3,184,919
1845	267	54,548,453	23,362,491	17,532,915	5,956,697	83,802,157	9,408,723	5,789,888	3,376,875
1846	266	55,233,762	26,316,986	17,231,601	6,137,670	89,492,708	8,996,953	4,574,711	4,044,205
1847	267	56,220,224	26,742,517	14,625,398	6,343,520	88,996,063	9,289,696	4,275,200	3,800,790
1848	274	57,909,527	31,574,918	16,220,799	8,478,578	97,453,503	10,401,109	5,520,670	4,431,228
1849	283	59,664,973	25,374,539	12,725,743	5,036,392	92,849,374	6,733,125	4 161,519	3,261,422
1850	300	62,861,393	29,833,015	15,487,144	5,849,508	99,874,402	8,397,447	4,280,988	4,835,194
1851	307	65,521,828	31,793,891	27,207,508	7,502,065	107,815,760	9,528,449	4,614,856	5,213,262
1852	349	69,495,829	38,572,122	21,915,416	8,734,031	122,173,852	11,895,525	4,524,784	7,638,000
1853	363	80,192,703	44,378,844	23,876,166	10,341 742	138,793,766	12,337,931	6,098,444	7,119,166
1854	411	92,769,405	54,839,335	28,777,711	10,823,426	162,850,048	14,652,108	6,799,866	9,728,348
1855	445	103,354,035	49,468,005	39,423,910	9,110,943	168,931,215	14,894,106	6,349,431	7,338,808
1856	495	112,151,077	50,088,971	32,255,039	8,139,334	180,218,629	15,002,415	6,992,746	6,832,780
1857	510	115,621,933	54,946,690	25,118,876	7,455,964	192,347,654	14,523,141	7,383,641	7,528,899
1858	499	118,255,605	36,207,518	47,647,671	6,593,838	171,586,923	12,149,099	6,277,753	6,045,985
1859	499	120,185,431	41,745,911	43,312,232	10,296,322	181,049,755	16,743,496	13,848,201	6,548,981
1860	504	123,563,069	44,653,095	41,208,190	9,247,621	192,848,894	14,220,811	10,058,995	7,073,555

[a] Exclusive of New Hampshire.

THE BANKING SYSTEM OF CANADA.

It only now remains to call attention to one other instance of a true credit currency, and that is the banking system of Canada, where the law provides for a guaranty fund of 5 per cent and also makes the note a first lien upon the assets of the bank.

Those of our people who live along the Canadian border and can see our own system working to such great disadvantage as compared with that of Canada are compelled to wonder why we, too, do not adopt the natural tool of commerce rather than keep a relic of the war which some hold good—yes, the best—either because they have determined that they will not see or because, though they may see, they fear they shall not be able to convince others.

The currency of the Canadian banks rises and falls with the needs of that country from year to year, from season to season, from month to month, and from day to day.

Can any man say that our currency reflects in its amount the demands of business? Must not everyone who has given the matter even a superficial thought confess that it is much or little according to the speculation in bonds, causing inflation half the time and panics the other half?

From this array of facts it is submitted that every quality claimed for a credit currency has been demonstrated, proved, and substantiated.

A CREDIT CURRENCY IS SOUND.

It is sound; and we point to the fact in confirmation thereof that it is the currency of France, Germany, Scotland, Belgium, Holland, Austria, Japan, Canada, Australia, and was the currency of the first and second United States banks, the Bank of Indiana, the Bank of Ohio, the Bank of Iowa, all the banks of the State of Louisiana under the act of 1842, and all the banks of New England, 504 in number, from 1840 to 1860.

Nay, more, we here and now challenge anyone to cite a single instance in American history where a single word or term of opprobrium or derision was ever used in relation to any true credit currency. On the other hand, we assert that all the wild-cat, yellow-dog, blue-pup, and every other kind of dog money, to which allusion is constantly made, was issued under conditions entirely different from those imposed in this bill, and that a careful and thorough investigation will disclose the fact that practically all of the so-called "dog" money was put out under the guise of State notes or bond-secured money, the bonds being United States bonds or stocks, the bonds or stocks of the several States with the addition, now and then, of other securities, such as railroad bonds, as provided in the law of Wisconsin.

Let no man from this day forth, who cares for his reputation as a student of this question, try to link any of the opprobrious terms, including the word "dog," with the credit currency of our own or any other country, because whenever and wherever a true credit currency has been issued, in accordance with the provisions of this bill, it has been as good as gold or the coin of the realm or the government where issued.

CREDIT CURRENCY ADJUSTS ITSELF.

The assumption that a system of credit currency means only expansion and not contraction is completely refuted by the following statement:

Country.	Possible issue.	Actual issue.
France	$1,160,000,000	$929,000,000
Canada	94,000,000	83,000,000
Scotland	148,000,000	40,000,000
First United States Bank	10,000,000	5,000,000
Second United States Bank	35,000,000	22,000,000
Bank of Indiana	6,600,000	4,900,000
Bank of Iowa	2,096,000	1,400,000
New England Suffolk system	123,000,000	44,000,000
Canadian banks	65,000,000	54,000,000

From this comparison of the possible and the actual issues, in every instance, every fair-minded and reasoning man must conclude that a natural and perfect relation must exist between a true credit currency and the work it is called upon to perform.

LIFE OF A CREDIT NOTE.

The average life of a true credit note is in bold contrast with that of our present national-bank note.

	Days.
The note of the Scotch banking system remains out	18
The note of the Canadian banking system remains out	30
The note of the New England (Suffolk) banking system remains out	45
The note of the national banking system remains out	730

Or more than two years, which is about the time the paper itself lasts, when it must be returned of necessity for renewal.

The frequent redemptions of the credit notes reflect their relations to business transactions, while the redemption of the national-bank notes reflects little more than the life of the paper upon which they are printed.

That a credit note is just as economic in its use as a deposit, which is received to be loaned out, no one will deny, making the nominal allowance for the cost of the note and its redemption.

CREDIT CURRENCY IS INEVITABLE.

Recalling these facts, then—

First. That owing to our constantly increasing population and constantly expanding business, provision must be made for a large annual increase.

Second. That this increase can not be silver in any form, for we shall not purchase another ounce of bullion, and that it would be unnecessarily expensive even if we could rely upon an adequate supply of gold.

Third. That our present bond-secured currency, while safe, is just as expensive as gold and bears no relation whatever to business needs, being a bond-speculation scheme pure and simple.

Fourth. That the true credit currency, protected as provided in this measure, being as good as gold itself, adapts itself always and under all circumstances to the ever-varying needs of the people, and is as economical as a sound credit can be in any form.

A single conclusion alone is left as the result of this searching and exhaustive examination of present conditions, and running back for more than two hundred years, and that is that we need and must and will have sooner or later credit currency protected by a proper reserve and redeemable on demand in gold coin.

That the proposed currency is safe beyond any peradventure, your committee feel confident. For the Report of the Comptroller shows that all the creditors of the national banks that have failed have received 78 per cent of the amount due them. Therefore only one-quarter of the amount due any note holder, who is a general creditor of the bank, would have to be paid out of the guaranty fund. But the records of the Comptroller's office show that a tax of one-fifth of 1 per cent upon all the notes of the national banks would have paid the notes of the failed banks in full. Therefore the 5 per cent guaranty fund, which would be called upon to pay only one-fourth of this amount, would last just one hundred and twenty-five years.

[illegible] number of [illegible] national banks, [illegible] capital stock, [illegible] by [illegible] the [illegible].

Number of insolvent national banks the affairs of which have been finally closed, their capital stock, amount realized from assets (bonds at par) held to secure circulation and surplus, and national bank notes outstanding at date of failure, secured by bonds, by years, 1863-1901, inclusive.

Number of insolvent national banks, by years, whose circulating notes outstanding at date of failure were in excess of the amount realized from assets (eliminating bonds and premiums), and percentage of such excess to circulation of active banks, by years.

Year.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Number of banks.	Capital stock.	Amount realized from assets (bonds at par) paid after failure.	Par value of bonds held at date of failure.	Total value of assets and bonds.	National-bank notes outstanding secured by bonds.	Number of banks.	Excess circulation over assets (bonds out).	Per cent of circulation, active banks.
1863	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]									
1864	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]									
1865	[illegible]	[illegible]	[illegible]	[illegible]	1	$[illegible]	$[illegible]	.025	1	$40,000	$89,472	$40,000	$129,472	$11,[illegible]	
1866	[illegible]	[illegible]	[illegible]	[illegible]	2	[illegible]	[illegible]	.094	2	[illegible],000	336,876	300,000	636,876	[illegible]	1	$68,721	.025
1867	[illegible]	129,065,165	[illegible]	[illegible]	7	1,370,000	928,000	.31	7	1,370,000	2,724,831	1,051,500	3,776,331	928,000	3	141,000	.048
1868	[illegible]	129,031,041	[illegible]	[illegible]	3	210,000	141,800	.047	3	210,000	297,453	160,000	457,453	141,800	1	6,612	.002
1869	1,617	429,329,151	[illegible]	[illegible]	2	300,000	174,700	.059	2	300,000	519,133	207,000	726,133	174,700	1	25,167	.009
1870	1,615	430,399,301	291,798,640	[illegible]											
1871	1,567	418,[illegible],696	31[illegible],619,117	[illegible]											
1872	1,916	479,629,171	33[illegible],19[illegible],057	[illegible]	6	1,806,100	1,388,393	.41	6	1,806,100	3,820,382	1,559,000	5,379,382	1,388,393	1	41,396	.012
1873	1,976	491,022,616	329,081,799	[illegible]	11	3,825,000	2,522,100	.71	11	3,825,000	6,833,474	2,831,500	9,667,974	2,522,100	2	99,891	.029
1874	2,001	493,760,121	335,225,298	[illegible]	3	200,000	230,000	.069	2	200,000	177,203	206,100	383,203	180,000	2	51,151	.016
1875	2,088	504,829,759	318,[illegible],379	[illegible]	5	1,000,000	268,791	.08[illegible]	5	1,000,000	1,323,854	300,000	1,623,854	268,791	1	37,704	.012
1876	2,084	499,802,232	291,511,030	[illegible]	9	965,000	428,318	.15	9	965,000	1,208,047	510,000	1,718,047	452,900	a4	75,230	.026
1877	2,089	479,167,771	291,871,[illegible]	[illegible]	10	3,311,000	662,222	.22	10	3,311,000	4,684,748	862,000	5,546,748	653,222	a1	20,706	.007
1878	2,0[illegible]	466,117,176	301,888,022	[illegible]	11	2,612,000	1,[illegible]	.41	13	1,862,000	3,192,030	831,800	4,023,830	721,885	a3	61,[illegible]	.017
1879	2,0[illegible]	441,067,365	313,7[illegible]	[illegible]	8	1,230,000	190,700	.16	8	1,230,000	1,408,519	640,000	2,048,519	490,720	1	5,406	.002
1880	2,090	437,[illegible],986	317,[illegible]	[illegible]	3	700,000	449,500	.14	3	700,000	897,557	500,000	1,397,557	449,500			
1881	2,15[illegible]	463,821,985	329,[illegible]	[illegible]													
1882	2,26[illegible]	485,101,210	314,[illegible]	[illegible]	3	1,561,300	999,100	.32	3	1,561,300	4,396,018	1,111,000	5,506,018	999,100			

1883	2,501	509,699,787	310,517,857	2	250,000	106,000	.034	2	250,000	475,169	120,000	595,169	106,000	.....	.....	.....
1884	2,664	524,271,345	289,775,123	11	1,285,000	699,220	.28	11	1,285,000	6,455,066	793,500	7,248,566	699,220	a 1	46,747	.016
1885	2,714	527,524,410	268,869,597	4	600,000	221,450	.08	4	600,000	3,338,881	362,500	3,701,381	221,450	.....	.....	.....
1886	2,852	548,240,730	228,662,610	8	650,000	328,385	.14	8	650,000	1,123,827	415,000	1,538,827	328,385	1	32,525	.014
1887	3,049	578,462,765	167,283,343	8	1,550,000	242,470	.14	7	550,000	750,303	170,000	920,303	152,450	1	10,426	.006
1888	3,140	592,621,656	151,702,809	8	1,900,000	262,080	.17	8	1,900,000	4,054,028	292,500	4,347,528	262,080	.....	.....	.....
1889	3,290	612,584,095	128,450,600	2	250,000	56,250	.044	2	250,000	679,539	62,500	742,039	56,250	.....	.....	.....
1890	3,540	650,447,235	122,928,084	9	750,000	165,990	.14	9	750,000	1,075,815	187,500	1,263,315	165,990	.....	.....	.....
1891	3,677	677,426,870	131,323,301	a 25	3,622,000	654,095	.49	19	1,847,000	2,114,588	534,500	2,649,088	472,790	.....	.....	.....
1892	3,773	686,573,015	143,423,298	17	2,450,000	554,070	.39	16	2,400,000	10,748,062	599,250	11,347,312	542,820	.....	.....	.....
1893	3,781	678,540,338	182,959,725	b 65	10,935,000	1,849,520	1.01	40	5,760,000	10,498,052	1,171,250	11,669,302	1,041,950	1	17,147	.009
1894	3,755	668,861,847	172,331,978	21	2,770,000	616,860	.36	13	1,525,000	1,583,339	868,800	1,952,139	329,790	.....	.....	.....
1895	3,712	657,135,498	182,481,610	a c 36	5,235,020	934,930	.51	22	2,235,020	2,561,474	528,750	3,090,224	477,030	1	3,942	.002
1896	3,676	648,540,325	209,944,019	27	3,805,000	785,595	.37	13	870,000	890,640	218,000	1,108,640	194,650	.....	.....	.....
1897	3,610	631,488,095	198,920,670	a 38	5,851,500	1,170,138	.59	21	2,600,000	4,277,276	575,500	4,852,776	505,280	2	17,833	.009
1898	3,585	621,517,895	194,483,765	a 7	1,200,000	261,700	.13	4	600,000	769,384	237,500	1,006,884	197,360	a 1	7,130	.004
1899	3,595	605,772,970	200,345,567	12	850,000	212,340	.10	4	350,000	303,063	125,000	428,063	112,500	1	17,650	.009
1900	3,871	630,299,030	283,948,631	6	1,800,000	162,000	.058	1	200,000	2,248,423	50,000	2,298,423	45,000	.....	.....	.....
1901	4,221	655,341,880	323,863,597	a 11	1,760,000	1,132,950	.35	1	50,000	58,376	50,000	108,376	50,000	.....	.....	.....
Total	.....	.....	9,355,137,754	404	67,237,420	20,723,162	.....	290	43,595,920	85,914,932	17,985,050	103,899,982	15,650,206	30	781,015	.008
Annual average circulation outstanding	.....	.....	239,875,327	.....	.....	d 531,363	e .22	.....	.....	.....	.....	.....	.....	.....	f 20,026	.....

a One bank restored to solvency.
b Eleven banks restored to solvency.
c Two banks restored to voluntary liquidation.
d Annual average amount failed national-bank notes outstanding.
e Annual average rate of tax.
f Average, thirty-nine years.

RESERVES OF BANKS AND TRUST COMPANIES UNDER THE LAWS OF THE STATES.

RESERVES OF BANKS AND TRUST COMPANIES REQUIRED BY THE LAWS OF THE DIFFERENT STATES.

(Down to January 1, 1908.)

Alabama ..... No reserve requirement.
Alaska ..... No reserve requirement.
Arizona ..... No reserve requirement.
Arkansas ..... No reserve requirement.
California ..... *20 per cent* (200,000 population or over), *15 per cent* (less than 200,000). These percentages of cash reserve required on demand or immediate liabilities and time certificates of deposit. Cash includes specie, national-bank notes, legal-tender notes, all paper obligations of the United States circulating as money, exchanges for clearing-house associations. One-half of cash reserve may consist of moneys on deposit subject to call with any solvent bank or trust company. Reserve requirement applies to every banking corporation except savings banks and every person and partnership doing a banking business.
Colorado ..... No reserve requirement.
Connnecticut ..... *15 per cent* of aggregate deposits. Applies to banks and trust companies. Not less than four-fifths (gold and silver coin, demand obligations of United States national bank currency) must be held in banking office of banks or trust company. Remaining one-fifth may be balances subject to demand draft with reserve agents, approved by bank commissioners, which are members of clearing-house associations of New York, Boston, Philadelphia, Chicago, or Albany; or State banks or trust companies in New Haven or Hartford; or railroad bonds which are legal investments for savings banks.
Delaware ..... No reserve requirement.
District of Columbia..... Stock savings banks subject to national-bank act as far as applicable. No reserve requirement for safe deposit, trust, loan, and mortgage companies.
Florida..... *20 per cent* of aggregate amount of deposits in lawful money. Applies to banking companies incorporated to carry on business of banking. Three-fifths may consist of balances payable on demand due from banks or bankers in other cities with which current account is kept; or bonds of United States, State of Florida, counties and cities of Florida, approved by comptroller of State.
Georgia..... *25 per cent.* No bank or corporation doing a banking business allowed to reduce cash in hand, including amount due by banks and bankers and the market value of all stocks and bonds actually owned and held, below 25 per cent of demand deposits. Trust companies can not receive deposits subject to check or discount commercial paper until

laws l with (act of 1898). ng notes (act of 1897) addition to reserve fund in legal-tender notes or sp per cent of its outstanding notes.

Idaho ..... *15 per cent* of liabilities to be kept in available funds. If may consist of balances due fr anks. Applies to State banks, pr oreign banks receiving deposits in departments of trust companies ve regulations. Savings banks doing ings and commercial business must books for each kind of business and al business subject to reserve requir

Illinois ..... No reserve

Indiana ..... No reserve t as to State banks or trust companies. T s of savings banks may keep in reserve not eding 20 per cent of the total amount of de without investment, or deposit same on with or without interest, in any bank organized under laws of Indiana or national bank.

Iowa ..... *15 per cent* (3,000 or more), *10 per cent* (less than 3,000) of total de osits of State banks. Three-fourths of reserve may be kept on deposit subject to call with other banks organized under State or national s.

20 per cent and r *cent* (3,000 or over), *15 per cent and 8 per* nt (under 3,000), *8 per cent.* Applies to savings banks. Savings banks doing commercial b s must keep cash reserve 20 per cent of com cial deposits and 8 per cent of savings deposits towns where population is 3,000 or more; where s than 3,000, 15 per cent and 8 per cent, re ely. Savings banks doing exclusive savings- business, 8 per cent. Three-fourths of above reserves may be on deposit subject to call with other banks organized under State or national laws. No corporation can do banking business unless subject to banking laws, except loan and trust companies may receive time deposits and issue drafts on their depositaries, but are ct to examination and control by auditor of the same as State and savings banks.

Kansas ..... *25 per cent* (over 5,000), *20 per cent* (less than 5,000), *25 per cent* (reserve banks). Banks must have these perce ges of entire deposits in available funds on hand. One-half of reserve may consist of balances due from good, solvent banks located at commercial centers and at such other points as bank commissioners may approve; one-half must be actual cash. Cash items not considered as part of reserve. Bank commissioner may refuse to consider as part of reserve balances due any bank from any other bank which shall refuse or neglect to furnish him with required information.

10 per cent. Savi banks or savings associations which do not transact general banking business must keep on hand at all times actual cash 10 per cent of deposits and a like sum invested in certified bonds.

Kentucky ..... *25 per cent* (over 50,000), *15 per cent* (50,000 or less), *10 per cent* (savings deposits). Incorporated banks must keep on hand these percentages of total deposits. One-third must be money; balance, funds payable on demand deposited in other banks. Provided no bank required to keep on hand more than 10 per cent of what are known as savings deposits, i. e., deposits on which the depositor has not the right to check, except upon giving thirty days' notice of his purpose to withdraw same. Trust companies can not engage in banking business. Combined banks and trust companies can be organized in counties having population less than 100,000. Laws governing banks apply to banking business of trust companies.

Louisiana..... *25 per cent.* Banks, banking associations, corporations, or companies must have on hand in lawful money and cash due from other banks 25 per cent of demand deposits; 8 per cent must be kept on premises in cash. Same requirement for banks organized to do a savings, safe deposit, and trust banking business. But deposits made in a savings bank or savings department of a bank also doing a general banking and trust banking business, which are made on condition that they may not be withdrawn except on notice, shall not be considered demand deposits.

Maine ..... *15 per cent.* Banks and trust companies must have on hand in lawful money 15 per cent of aggregate total deposits subject to withdrawal on demand or within ten days. Two-thirds may consist of balances payable on demand due from any national bank and one-third of such 15 per cent may consist of lawful money and bonds of United States or of Maine, the absolute property of the corporation.

Maryland..... No reserve requirement.

Massachusetts..... *15 per cent.* Banks shall keep in bank as reserve 15 per cent of liability for circulation or deposits. Lawful money of United States or specie specially deposited by a bank in Boston in the bank of deposit of the Boston Clearing House, or balances payable on demand due from other banks to banks out of Boston or in South Boston and in the parts of Boston formerly Brighton, Charlestown, Dorchester, Roxbury, and West Roxbury, which may be applied to the redemption of their bills, shall be a part of the reserve.

15 per cent. Trust companies must maintain 15 per cent of deposits subject to withdrawal on demand or within ten days in lawful money of United States; or one-third may consist of bonds of United States or Massachusetts, and two-thirds may consist of balances payable on demand due from a national bank in Massachusetts or New York City, or balances payable on demand or within ten days from any domestic trust company doing business in Massachusetts, approved by board of bank commissioners, and which maintains a 15 per cent reserve in accordance with certain specified requirements.

Michigan ..... *20 per cent* (over 100,000), *15 per cent* (100,000 or less). Commercial banks must keep on hand these percentages of total deposits. One-half must be in lawful money; balance may be in funds payable on demand deposited in banks in cities approved by commissioner as reserve cities.

15 per cent. Savings banks must keep on hand 15 per cent of total deposits; one-third in lawful money in its own vaults; balance on deposit, payable on demand, with banks, national or State, in cities approved by the commissioners as reserve cities; or invested in United States bonds. Combined commercial and savings banks must keep the 15 per cent reserve required for savings deposits separate and distinct from the reserve required for commercial deposits.

Minnesota.....*20 per cent.* Banks of discount and deposit must keep reserve of one-fifth of all matured or demand liabilities; one-half cash, including legal-tender and national-bank notes, remainder balances due from solvent banks. No reserve requirement as to savings banks or trust companies, but trust companies can not engage in banking business beyond trust powers expressly granted.

Mississippi.....No reserve requirement.

Missouri.....*15 per cent* of aggregate amount of demand deposits required to be kept as reserve by every banking corporation or individual banker; also by trust companies. Must consist of cash on hand and cash due from other banks (and in the case of trust companies, cash due from banks and other trust companies); proportion not specified.

Montana.....*15 per cent, 25 per cent.* Banks must keep 15 per cent of total deposits as reserve. Such portion as board of directors may determine may be on deposit in banks in cities of the first and second class approved by State examiner as reserve banks, which banks must keep 25 per cent in lawful money, or on deposit in banks approved as reserve banks by State examiner.

Nebraska.....*15 per cent* (25,000 or less), *20 per cent* (over 25,000), *5 per cent* (savings banks). Every corporation, partnership, firm, or individual transacting banking business must keep on hand in available funds 15 per cent of aggregate amount of deposits; two-thirds must be cash in vaults of bank. In cities of more than 25,000, reserve shall be 20 per cent. Savings banks shall have on hand at all times in available funds as a reserve 5 per cent of deposits. Available funds are cash on hand and balances due from other solvent banks. Cash includes lawful money of the United States and exchange for any clearing-house association.

Nevada.....No reserve requirement.

New Hampshire.....No reserve requirement.

New Jersey.....*15 per cent.* Banks must have on hand in available funds 15 per cent of immediate liabilities. Three-fifths may consist of balances due from solvent banks and trust companies; two-fifths must be cash on hand. Same requirement as to trust companies receiving deposits subject to check or payable on demand, except that only one-fifth must be cash on hand and four-fifths balances due from good solvent banks and trust companies. Immediate liabilities defined to be deposits payable on demand and all items in the nature of claims payable on demand.

Savings banks may keep 10 per cent of deposits uninvested as an available fund.

New Mexico.....No reserve requirement.

New York.....*15 per cent* (800,000 or over), *10 per cent* (under 800,000). Banks and individual bankers must have on hand in lawful money these percentages of aggregate amount of deposits. One-half may

consist of moneys on deposit, subject to call, with any bank or trust company in the State having capital of at least $200,000 and approved by the superintendent of banks as reserve depository. Trust companies in cities over 800,000 must have at least 15 per cent of aggregate deposits on hand. Whole reserve may, and at least one-third must, consist either of lawful money of United States, gold or silver certificates, or national-bank notes. One-third may consist of bonds of United States, bonds of New York State, and bonds of cities of the first or second class in New York, computed at their par value, which must be the absolute property of the corporation exclusive of all other investments. Balance of reserve over and above the part consisting of lawful money, gold and silver certificates, and national-bank notes, and the part consisting of bonds, must consist of moneys on deposit subject to call in any bank or trust company in the State with capital at least $200,000 or capital and surplus of $300,000 and approved by superintendent of banks. Trust companies elsewhere must have reserve of at least 10 per cent aggregate deposits. Whole reserve may, and at least 30 per cent must, consist either of lawful money of the United States, gold or silver certificates, or national-bank notes; 30 per cent may consist of bonds of United States, New York State, and of cities of first or second class within State, computed at par value and the absolute property of corporation exclusive of all other investments; balance of reserve over and above parts consisting of lawful money and of bonds must consist of deposits in banks or trust companies as above. Savings banks may keep available fund not exceeding 10 per cent of total deposits on hand or on deposit in specified depositaries.

North Carolina.....*15 per cent, 5 per cent.* Every bank must have on hand reserve in available funds 15 per cent of aggregate deposits. Two-fifths must be cash in vaults of bank. Savings banks must keep reserve of 5 per cent on hand. Available funds consist of cash on hand and balances due from other solvent banks. Cash includes lawful money United States and exchange for any clearing-house association.

North Dakota.....*20 per cent.* Banks must have on hand in available funds an amount which, after deducting therefrom amount due to other banks, shall equal 20 per cent of total deposits. Three-fifths of reserve may consist of balances due from good solvent State or national banks or trust companies, which carry sufficient reserve to entitle them to act as depository banks and are located in such commercial centers as will facilitate the purpose of banking exchanges, and which depository banks are approved by State banking board; remaining two-fifths must be actual cash on hand. Cash items shall not be included in computing reserve. Banks prohibited from carrying as cash or cash items any paper or other matter except legitimate bank exchange, which will be cleared on same or next succeeding business day. No specific reserve for savings banks or trust companies, but "banking business" prohibited without complying with banking laws.

Ohio	*20 per cent, 15 per cent.* Each banking company shall at all times have on hand lawful money of the United States to at least 20 per cent of its deposits (no provision apparently for deposit of part of this in bank; this is an old banking law). Safe-deposit and trust companies must have on hand 15 per cent of deposits, payable on demand or within ten days. One-third of such reserve may be clearing-house certificates for specie or lawful money specially deposited in the vault of such safe-deposit company or in United States subtreasuries for the purpose of any clearing-house association of which such company may be a member. One other third of reserve shall consist of bonds of the United States or of Ohio, the absolute property of said company. The remaining third of said reserve shall be lawful money of the United States.
Oklahoma	*20 per cent* (less than 2,500), *25 per cent* (over 2,500), *25 per cent* (reserve banks). Every bank doing business under laws of Oklahoma must have on hand in available funds 20 per cent of entire deposits where population less than and 25 per cent where over 2,500. Two-thirds of reserve may be balances due from good, solvent banks, selected from time to time with the approval of the bank commissioner. One-third of reserve must be actual cash. Bank made reserve depository for any other bank must have 25 per cent reserve. Bank commissioner may refuse to consider as part of reserve balances due from banks which refuse to furnish him required information.
	10 per cent. Savings banks which do not transact general banking business required to keep on hand 10 per cent actual cash and 10 per cent invested in specified bonds.
Oregon	*25 per cent, 10 per cent* (50,000 or over): *15 per cent, 10 per cent* (under 50,000). Reserve required of 15 per cent of demand liabilities and 10 per cent of time deposits where population less than 50,000; and where it exceeds 50,000, 25 per cent and 10 per cent, respectively. The reserve is required to be in actual cash or balances due from good solvent banks to be approved by the bank examiner. At least one-third must be actual cash on hand. Applies to all doing a banking business.
Pennsylvania	*15 per cent.* Banks, banking companies, savings institutions, trust companies receiving deposits subject to check or payable on demand, must have reserve on hand of 15 per cent of the aggregate amount of immediate demand liability. Whole reserve may, and at least one-third must, consist of either lawful money of United States, gold or silver certificates, national-bank notes, or clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, held and owned by any such corporation as a member of a clearing-house association; one-third or any part thereof may consist of bonds of United States, Pennsylvania, cities, counties, or boroughs of Pennsylvania, bonds that are legal investments for savings banks in Pennsylvania, computed at their par value, absolute property of corporation. Balance of reserve over and above part consisting of lawful money, etc., and part consisting of bonds, may consist of

moneys on deposit, subject to call, in any bank or trust company in Pennsylvania approved by bank commissioner, or in any bank or trust company in any other State located in a reserve city designated by Congress, approved by bank commissioner.

7½ per cent. Banks and other corporations receiving deposits payable at future time must have on hand reserve at least 7½ per cent of all time deposits, kept as specified by law.

Rhode Island ..... No reserve requirement.

South Carolina ..... No reserve requirement.

South Dakota ..... *20 per cent.* Banking corporations must have on hand in available funds an amount which, after deducting therefrom the amount due to other banks, shall equal 20 per cent of total deposits. Three-fifths may be balances due from good solvent State or national banks or trust companies which carry sufficient reserve to entitle them to act as such depository banks, and are located in such commercial centers as will facilitate the purposes of banking exchanges; depository banks to be approved by State banking board. Two-fifths must be actual cash on hand. Cash items not included in computing reserves. Carrying as cash or cash items any paper or other matter except legitimate banking exchange, which will be cleared on same or next succeeding business day prohibited. Banking business prohibited except in compliance with banking law.

Tennessee ..... No reserve requirement.

Texas ..... *25 per cent.* Banking corporations must have cash on hand and due from other banks 25 per cent of aggregate demand deposits; 10 per cent must be actual cash in bank. Reserve fund may be kept on hand or on deposit, payable on demand, in any bank or banking association of Texas, or national bank approved by superintendent of banking, and having paid up capital of $50,000 or more; but deposits in any one bank or trust company not to exceed 20 per cent of total deposits, capital, and surplus of bank. Law covers banks authorized, in addition, to do trust company business.

15 per cent. Savings banks must keep available cash fund not less than 15 per cent of whole amount of assets. Same or any part may be kept on hand or on deposit, payable on demand, in any bank or banking association of Texas or national bank approved by superintendent, with restrictions, as above.

Utah ..... *20 per cent* (25,000 or more), *15 per cent* (under 25,000), *10 per cent* (savings deposits). Commercial or savings banks or banks having departments for both classes of business (private banks subject to requirement) must have on hand as reserve in available funds 15 per cent of aggregate of commercial deposits and immediate liabilities, which reserve shall be 20 per cent where banks are located in cities having population of 25,000 or more, and an amount equal to 10 per cent of savings deposits and immediate liabilities. Available funds consist of cash on hand and balances due the corporation or private banker from good, solvent banks. Immediate liabilities include all claims against the bank payable on demand.

Vermont	No reserve requirement as to State banks or trust companies.
Virginia	No reserve requirement as to banks or trust companies.
Washington	*20 per cent.* All corporations doing business under general banking law must have on hand in available funds 20 per cent of demand liabilities. Such sum may consist of balances due from good, solvent banks located at commercial centers and at such other points as State examiner may approve, and actual cash or checks on solvent banks located in same city. Act covers every corporation, domestic or foreign (except national banks and foreign banks not authorized to receive deposits), transacting banking business in State.
West Virginia	*15 per cent.* Banks, cooperative banking associations, and trust companies engaged in general banking business maintain reserve on hand in lawful money 15 per cent of aggregate deposits, subject to withdrawal on demand. In lieu of lawful money, three-fifths may consist of balances payable on demand due from any national or State bank doing business in West Virginia or any solvent bank outside of State approved by supervisor.
Wisconsin	*15 per cent, 25 per cent.* Banks must keep on hand as reserve 15 per cent of total deposits. Such portion as board of directors may determine may be on deposit in banks approved by commissioner of banking as reserve banks; such reserve banks must keep on hand 25 per cent of total deposits in lawful money or on deposit in banks subject to approval of commissioner of banking as reserve banks. Cash items not considered part of reserve of any bank. *5 per cent.* Mutual savings banks must keep on hand or on deposit in banks approved by commissioner as reserve banks at least 5 per cent of total deposits.
Wyoming	*25 per cent.* Loan and trust companies shall maintain reserve fund of at least 25 per cent of liabilities to depositors, which reserve shall be represented by cash in vaults or on deposit subject to call with national or State banks approved by State examiner as reserve banks. *10 per cent.* Savings banks must hold in their own keeping or on deposit subject to call with some national bank or other bank organized under general law, 10 per cent of savings deposits. (While provision is made for the organization of corporations for the purpose of carrying on general banking, savings bank and loan and trust business, specific requirements as to reserve are apparently made as to last two specific organizations only.)

Report of the Comptroller of the Currency upon losses of depositors in national banks.

Year.	Number banks affairs of which finally settled.	Capital at failure.	Liabilities (claims proved + offsets + loans paid).	Amount received by creditors.	Amount of loss to creditors.	Active national banks.			Per cent liabilities insolvent national banks, affairs of which settled to deposits active national banks—		Per cent loss to deposits active national banks—	
						Number.	Individual deposits.	All deposits (individual, bank, and Government deposits).	Individual deposits.	All deposits.	Individual deposits.	All deposits
1865	1	$50,000	$140,750	$89,472	$51,278	1,513	$500,910,873	$723,281,252	0.028	0.019	0.010	0.007
1866	2	500,000	1,173,764	336,876	836,888	1,644	564,616,777	735,535,828	.206	.159	.148	.114
1867	7	1,370,000	3,626,879	2,724,831	902,048	1,642	540,797,837	680,968,517	.670	.532	.167	.132
1868	3	210,000	367,245	297,453	69,792	1,643	580,940,820	726,219,776	.063	.051	.012	.010
1869	2	300,000	565,760	519,133	46,627	1,617	511,400,196	641,946,756	.110	.088	.009	.007
1870						1,615	501,407,586	642,807,910				
1871						1,767	600,868,486	798,716,706				
1872	6	1,806,100	4,178,806	3,820,382	358,424	1,916	613,290,671	769,544,708	.680	.543	.058	.047
1873	11	3,825,000	8,710,639	6,833,474	1,877,165	1,976	622,685,563	811,584,332	1.399	1.073	.301	.231
1874	3	250,000	430,979	259,702	171,277	2,004	669,068,995	856,119,035	.064	.050	.026	.020
1875	5	1,000,000	3,245,407	1,323,854	1,921,553	2,088	664,579,619	855,087,558	.488	.380	.289	.225
1876	9	965,000	1,579,397	1,208,047	371,350	2,089	651,385,210	842,174,874	.243	.188	.057	.044
1877	10	3,344,000	4,744,839	4,684,748	60,091	1,080	616,403,987	788,360,079	.769	.602	.010	.008
1878	13	1,862,500	3,607,129	3,192,030	415,099	2,058	620,236,176	830,367,001	.581	.434	.067	.050
1879	8	1,230,000	1,632,739	1,408,549	224,190	2,048	719,737,568	935,448,743	.227	.175	.031	.024
1880	3	700,000	952,195	897,557	54,638	2,090	873,537,637	1,152,290,944	.109	.083	.006	.005
1881						2,132	1,070,997,431	1,378,016,342				
1882	3	1,561,300	6,596,890	4,395,018	2,201,872	2,269	1,122,472,682	1,394,879,341	.588	.473	.196	.158
1883	2	250,000	633,559	475,169	158,390	2,501	1,049,437,700	1,333,149,906	.060	.048	.015	.012
1884	11	1,285,000	7,977,896	6,455,066	1,522,830	2,664	975,243,795	1,235,702,866	.818	.646	.156	.123
1885	4	600,000	4,197,965	3,338,881	859,084	2,714	1,102,372,450	1,416,289,437	.381	.296	.078	.061
1886	8	650,000	1,169,000	1,123,827	45,173	2,852	1,172,968,308	1,498,174,042	.099	.078	.004	.003
1887	7	550,000	968,453	750,303	218,150	3,049	1,249,477,126	1,604,287,687	.078	.060	.017	.014
1888	8	1,900,000	4,806,744	4,055,028	751,716	3,140	1,350,320,861	1,782,089,691	.356	.270	.056	.042
1889	2	250,000	674,425	679,539		3,290	1,475,467,560	1,947,335,106	.046	.035		
1890	9	750,000	1,372,817	1,075,815	297,002	3,540	1,564,845,174	2,020,625,229	.088	.068	.019	.015
1891	22	3,147,000	7,532,332	3,447,773	4,084,559	3,677	1,588,318,081	2,039,180,187	.474	.369	.257	.200
1892	17	2,450,000	12,769,312	10,822,433	1,946,879	3,773	1,765,422,983	2,309,949,064	.723	.549	.110	.084
1893	51	8,385,000	18,418,031	13,942,503	4,475,528	3,781	1,451,124,330	1,814,761,981	1.269	1.015	.308	.246
1894	18	2,360,000	4,572,795	2,783,424	1,789,371	3,755	1,728,418,819	2,269,020,362	.265	.202	.104	.079
1895	32	3,685,020	7,974,511	6,020,463	1,954,048	3,712	1,701,653,521	2,210,132,209	.468	.361	.115	.088
1896	24	2,970,000	9,586,927	6,084,769	3,502,158	3,676	1,597,891,058	2,028,164,718	.600	.473	.219	.173
1897	35	5,451,500	25,535,553	24,291,408	1,244,145	3,610	1,853,349,128	2,515,199,277	1.377	1.015	.067	.050

Report of the Comptroller of the Currency upon losses of depositors in national banks—Continued.

Year.	Number banks affairs of which finally settled.	Capital at failure.	Liabilities (claims proved + offsets + loans paid).	Amount received by creditors.	Amount of loss to creditors.	Active national banks.			Per cent liabilities insolvent national banks, affairs of which settled to deposits active national banks—		Per cent loss to deposits active national banks—	
						Number.	Individual deposits.	All deposits (individual, bank, and Government deposits).	Individual deposits.	All deposits.	Individual deposits.	All deposits.
1898	6	$700,000	$962,262	$919,466	$42,796	3,585	$2,031,454,540	$2,804,955,096	0.047	0.034	0.002	0.001
1899	11	800,000	1,764,556	1,403,375	361,181	3,595	2,450,725,595	3,458,473,846	.072	.051	.015	.010
1900	4	1,600,000	9,790,591	9,935,838	.....	3,871	2,508,248,557	3,698,632,597	.390	.265	.....	.....
1901	5	360,000	935,759	818,190	117,569	4,221	2,937,753,233	4,229,898,587	.032	.022	.004	.003
1902	2	450,000	378,880	377,767	1,113	4,601	3,209,273,893	4,533,558,930	.012	.009	.00003	.00002
1903	7	880,000	4,678,751	4,644,293	34,458	5,042	3,156,333,499	4,532,431,246	.148	.103	.001	.0007
1904	11	775,000	2,665,910	2,455,826	210,084	5,412	3,458,216,667	5,130,235,940	.077	.052	.006	.004
1905	3	350,000	1,309,832	1,305,065	4,767	5,757	3,820,681,713	5,507,649,594	.034	.024	.0001	.00008
1906	2	50,000	50,747	52,014	.....	6,137	4,199,938,310	5,896,771,585	.001	.0009	.....	.....
1907	.....	.....	.....	.....	.....	6,544	4,319,035,402	6,075,566,939	.....	.....	.....	.....
Aggregates	387	59,622,420	172,281,026	139,249,361	33,183,293	134,198	65,763,310,417	89,455,385,824	a 11.26	8.29	b 2.17	1.595
Annual average	43 years	1,386,568	4,006,535	3,238,357	771,705	3,121	1,529,339,311	2,080,357,810	c .262	.192	d .05	.037

a Per cent aggregate liabilities to average annual deposits active banks.
b Per cent of aggregate loss to annual average deposits.
c Per cent average liabilities to average deposits active banks.
d Per cent annual average loss to annual average deposits of active national banks.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 1126, Part 2.

SCIENTIFIC BANKING SYSTEM.

MARCH 9, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LEWIS, from the Committee on Banking and Currency, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany H. R. 12677.]

The minority members of the Committee on Banking and Currency submit the following report:

The minority members of the committee, after attending many hearings, both favorable and unfavorable to, and after giving much time to the consideration of, H. R. 12677, popularly known as the "Fowler bill," oppose said measure because it is radical and revolutionary, and if enacted into law would completely change the entire existing banking system of the country which has been in operation for nearly a half century, and would result in retiring from circulation forms of money that have proven satisfactory for the same length of time.

We oppose the bill because it virtually takes from the Government all power to regulate and safeguard the national banks of the country and wholly gives over the control of such institutions to a board of managers which is selected by the banks themselves.

The bill requires the national banks at once to retire all outstanding bank notes secured by United States Government bonds and later on to retire United States notes, commonly called "greenbacks," substituting therefor credit notes, or rather notes issued by the banks themselves, to an amount equal to the capital of such banks, with the power, the board of managers approving, to increase such issue to an amount equal to double the capital of such banks.

The bill not only provides that national banks shall have the power to issue all money, other than gold, but makes these institutions the agents of the Government through which it must carry on all its business, making its deposits therein and discharging its obligations through these institutions.

Now, for all the power and special privilege conferred on national banks by this bill, such as issuing money, acting as agents for the

Government in receiving deposits and conducting the financial operations thereof, these favored institutions are only asked in return to pay a tax of 2 per cent per annum on the notes issued and 2 per cent interest on deposits of Government money. To avail themselves of the privilege of issuing money and receiving deposits of Government money these institutions are not required to put up as collateral security any of their capital. It is true a small per cent of their reserves is required to be kept with the Secretary of the Treasury instead of being retained in the vaults of the banking institutions as now required by law, but to secure the great privileges bestowed by the bill the banks do not have to hypothecate a cent of their capital.

We oppose this bill for the further reason that under the many very liberal and special privileges given to national banks the inevitable result will be to drive out of business all State, trust, and savings banks and force them to become national banks.

With the banks all organized under one system, enjoying sole and complete power to issue all moneys as they deem proper, will there not be great danger either from contraction or inflation of the amount of money in circulation? Will it not be in the absolute power of these banks, or their boards of managers, to make money scarce or to make it plentiful; to make the rate of interest high or to make it cheap; to cause a depression or to produce a relaxation.

Surely Congress is being asked to delegate to the banks a most dangerous and wonderful power in giving them absolute control of the medium of all values, money, and in conferring on them the sole power to issue money in such quantities as they think wise. The minority members of the committee say emphatically that this country is not ready to delegate such dangerous power. Without doubt the most serious proposition with which Congress has had to deal in many years is the regulation and control of the great corporations that have grown overpowerful and beyond the control of the Government. Yet, while we are planning ways whereby we may wisely and justly subject these great interests to governmental regulation, we are asked by the Fowler bill to create a banking system all powerful, with complete and undisputed authority to issue the circulating medium of the country in quantity, in manner, and at times to please those fortunate enough to enjoy this great special privilege.

The minority members of the committee do not believe that conditions justify such extreme legislation as the Fowler bill proposes, and present attached to this report H. R. 16730, known as the "Williams bill," which we believe to be eminently safe, sound, and practical, and which, added to our present system, will give healthy elasticity to our currency.

Briefly, the bill provides that the Government shall issue the money and shall furnish "United States emergency Treasury notes," which may be loaned to any national banking association, State bank, savings bank, or trust company, upon such institution depositing with the Government United States, State, county, and municipal bonds, said bonds being designated by the bill as "interconvertible" bonds, as collateral. The minority members of the committee believe only United States, State, county, or municipal bonds should be used to secure the loan of these "United States emergency Treasury notes," and as there are at least $2,000,000,000 of such bonds to be had for

this purpose, no fears could be entertained that ample security of this class would not exist for any emergency.

One of the weak and disturbing features of our currency system lies in failing to provide sufficient circulation to meet the increased demand for currency during the crop-moving periods. It is estimated that additional currency to the amount of about $300,000,000 is required to move the cotton and grain crops in the fall of each year. Having that in view, the minority bill places a graded tax on these emergency currency notes at the rate of one-eighth of 1 per cent for the first four months or any fractional part thereof, and one-half of 1 per cent for the second four months or any fractional part thereof, and 1 per cent per month thereafter, thus forcing the banks to return these emergency currency notes to the Treasury, thereby restricting the use of these notes solely as an emergency currency.

We desire to emphasize the fact that all kinds of banks are permitted to borrow these emergency currency notes, thereby broadening the scope of the measure and extending its benefits to every section of the country.

RESERVES.

The bill requires that every bank shall keep its entire reserve in its vaults, but permission is given to keep one-half in interconvertible bonds—that is, such bonds as it may use under the bill to secure the loan of emergency currency notes.

Banks are not permitted to loan a greater amount than seven times their capital and surplus. This provision will force banks to enlarge their capital in proportion to their loans, thus better protecting depositors.

Banks having on deposit the money of the Government are required to pay interest on such deposits.

GUARANTEE OF DEPOSITS.

The bill provides a plan by which the banks may organize, and by paying a small tax create a guarantee fund to pay all losses to depositors sustained by the failure of banks.

The minority members of the committee commend the bill herewith presented as being practical, conservative, and safe, and believe it comes much nearer adjusting the financial situation than any other measure submitted.

[H. R. 16730. Sixtieth Congress, First Session.]

A BILL To further protect depositors in banks, to secure a safe and elastic emergency currency, and to amend the national-bank act and previous amendments thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws and parts of laws permitting national banking associations to keep three-fifths of their reserves in national banking associations in reserve cities and all laws and parts of laws permitting national banking associations in reserve cities to keep fifty per centum of their reserves in central reserve cities are hereby repealed.

SEC. 2. That of the reserve now required by law to be kept in lawful money by national banking associations in central reserve cities, not less than one-half shall hereafter be held in gold or gold certificates.

SEC. 3. That all laws and parts of laws whereby national-bank examiners are now paid fees for examination of banks are hereby repealed, and from and after the date upon which this act shall go into effect national-bank examiners shall receive a salary of not less than three thousand nor more than five thousand dollars per annum each, to be fixed in each case by the Comptroller of Currency, due regard being had to the work to be performed by each, and each examiner, as a further compensation, shall receive his actual expense while engaged in the discharge of his duties, the said salary and expenses to be paid out of the fund realized under existing law by the duty on circulation.

SEC. 4. That the total liabilities of any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed. Any violation of this provision shall be a misdemeanor, and, upon conviction, the offending bank shall be subject to a penalty of not less than the difference between the amount permitted by this provision to be loaned to any one person and the amount actually loaned, to be recovered in a court of competent jurisdiction, and, furthermore, upon conviction, any director of a bank who has knowingly voted to make a loan in violation of this provision and any officer of any bank who shall knowingly make such a loan shall be subject to a fine of not less than one thousand dollars or to imprisonment for not less than thirty days, or both.

SEC. 5. That no national banking association shall hereafter make loans which in the aggregate shall amount to more than seven times the aggregate amount of its paid-up capital plus its unimpaired surplus. Any violation of the provisions of this section shall be a misdemeanor, and, upon conviction, the offending bank, its directors or officers, knowingly violating this provision, shall be subject to the penalty provided in the preceding section.

SEC. 6. That any national banking association may hereafter keep fifty per centum of the reserve now required to be kept by it in United States bonds and in bonds of any State or municipal bonds such as are hereinafter described, not over one-half in amount to be in State bonds or any legally authorized bonds issued for municipal purposes by any city or county in the United States which have been at or above par for six years preceding the date of their deposit, and which municipality has been in existence as a city or county for a period of ten years, and which during said ten years has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net indebtedness does not exceed eighteen per centum of the valuation of taxable property therein, to be ascertained by taking the average valuation of property for the assessment of taxes for the five years preceding the date of the offering of said bonds as security. Before any institution can procure any of the emergency currency notes herein provided for upon such above-described municipal bonds as security the person or institution offering such bonds shall accompany them by the written opinion, or a certified copy of the written opinion, of the attorney-general of the State of such city or county that the bonds so offered are legally issued and are a valid subsisting obligation against the city or county issuing the same. These bonds thus held as fifty per centum of a bank's reserves are hereby designated as interconvertible bonds.

SEC. 7. That immediately after the passage of this Act the Comptroller of the Currency shall address a communication to each national bank then in operation, including a copy of this Act, inquiring if the bank will accept the provisions thereof, and all communications of banks in reply to such inquiries shall be filed and preserved by the Comptroller of the Currency as a part of the archives of his office. The banks which accept the provisions of this Act shall be held and bound thereby, and their liabilities may be enforced by the Comptroller of the Currency: *Provided*, That the Comptroller of the Currency shall also address a like communication to each State bank, savings bank, and trust company then in operation, which upon accepting the provisions of this Act shall submit to the same examinations and make the same reports to the Comptroller of the Currency as are now provided by law for national banking associations.

SEC. 8. That for the purpose of providing an emergency currency any bank holding interconvertible bonds as a part of its reserves may at any time deposit the same in the nearest United States subtreasury and obtain in lieu of them "United States emergency Treasury notes." The notes issued to any national banking association,

State bank, savings bank, or trust company under the provisions of this Act shall be considered as a loan to such institution, which loan shall bear interest as hereinafter provided, payable in lawful money of the United States. The interest to be paid upon said United States emergency currency notes shall be at the rate of one-eighth of one per centum per month for the first four months, or any fractional part thereof, and one-half of one per centum per month for the second four months, or any fractional part thereof, and one per centum per month thereafter. Whenever any bank, having taken out the above-described "United States emergency currency notes" upon the deposit of their "interconvertible bonds," as herein defined, shall repay to the Treasury of the United States the amount thus taken out, or any part thereof, in any form of lawful money of the United States—not "United States emergency currency notes"—the amount thus repaid shall be set aside as a special fund not to be used in the general expenditures of the Government, or otherwise, except for the purpose of redeeming the "United States emergency currency notes" when they shall come into the Treasury or be presented for payment. Whenever any bank, having taken out "United States emergency currency notes" upon the deposit of interconvertible bonds, as herein defined, shall repay the same, in whole or in part, in "United States emergency currency notes," the said notes shall be canceled and destroyed.

SEC. 9. That any banking association organized and existing under the laws of any State may avail itself of the privileges and benefits of sections seven and eight of this Act by complying with the provisions thereof under such rules and regulations, consistent with the provisions of this Act, as may be prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury.

SEC. 10. That the emergency currency notes provided for in this Act shall be a full legal tender for all debts, private and public, and shall conform in size, color, and wording thereon, as nearly as practicable, to the present United States Treasury notes, except each note shall have printed on the face thereof the words: "This note is secured by deposit of bonds with the Treasurer of the United States."

SEC. 11. That it is hereby made the duty of the Secretary of the Treasury, on the first day of July, on the first day of October, on the first day of January, and on the first day of April of each year, after thirty days' previous notice of his purpose, to receive and open sealed bids from national and State banks applying to receive deposits (on call) of such surplus moneys in the United States Treasury as he may contemplate depositing with banks, and to award deposits to bidding banks as hereinafter provided. That each bid to receive deposit of any of said funds shall state the amount of money to be applied for to be deposited with the bank making the bid, and the Secretary of the Treasury shall award deposits, in amounts not greater than the amounts applied for and not greater than other provisions of this Act prescribe, to the banks offering the highest rate of interest in the order of their respective bids. Where two or more banks offer the same rate of interest, that rate being higher than the rate offered by any other bank, and the amounts applied for by all banks shall exceed the total of surplus funds in the Treasury to be deposited, deposits shall be awarded proportionately to each of said highest bidding banks in the proportion which the total amount of surplus funds in the Treasury bears to the total of amounts applied for by said highest bidding banks: *Provided*, That no offer by any bank to take on deposit an amount less than twelve thousand five hundred dollars nor an amount above fifty per centum of the paid-up capital stock of the bidding bank shall be considered by the Secretary of the Treasury, nor shall any bid by any syndicate of banks or combination of banks be considered or received by him. Furthermore, the Secretary of the Treasury in making deposits shall, as far as practicable—interest rates of bids being equal—distribute deposits among the States in proportion to population. The Secretary of the Treasury shall not make, authorize, nor permit any deposit of United States Government funds in any bank which shall not previously to said deposit have complied with the provisions of this Act, as well as all existing laws and lawful regulations not inconsistent with the provisions of this Act, governing security to be given for repayment of funds deposited with banks on demand. All surplus moneys of the United States now permitted by law to be left in national depositaries on call shall hereafter bear a rate of interest not less than two per centum per annum and not more than ten per centum per annum.

SEC. 12. That whenever any bank is made a depositary to receive deposits of surplus funds of the United States it shall be required, prior to the deposit of said funds by the Government, to deposit in the Treasury of the United States at Washington, or in some convenient subtreasury of the United States designated by the Comptroller of the Currency, either United States bonds or the bonds of some State of the United States, or municipal bonds such as are described in section six of this act and subject to the conditions therein prescribed, which bonds shall be deposited

in conformity with the provisions of this act and according to the rules and regulations prescribed by the Secretary of the Treasury not inconsistent with the provisions of this act.

SEC. 13. That there shall be levied a semiannual assessment of one-sixteenth of one per centum upon the average six preceding months' deposits of all such banks, banking associations, and associations doing a banking business as are hereafter designated in this section; this assessment of one-sixteenth of one per centum to be payable at times and in manner and the average deposits of each bank as a basis of assessment to be determined by rules and regulations prescribed by the Secretary of the Treasury. The assessment herein prescribed is to continue until the sum of fifteen millions of dollars has been accumulated and set aside in the Treasury of the United States in trust for the purposes hereinafter designated, the said assessment to be not further levied and to become not further collectible whenever, upon ascertainment by the Secretary of the Treasury, the said sum of fifteen millions of dollars has been attained: *Provided, however*, That whenever the amount of said fund shall fall below fifteen millions of dollars, then said assessment shall again become operative, payable, and collectible in each and every case until in each case the said sum shall be restored to the amount of fifteen millions of dollars. The sum of fifteen millions of dollars herein provided to be accumulated and held in the Treasury of the United States is to be held for the sole purpose of paying depositors in the banks whose deposits are hereby assessed when, after the exhaustion of the assets of any failed bank, there remains any balance due depositors unpaid. The assessment herein provided for shall be levied only upon such banks, banking associations, and associations doing a banking business, whether under Federal or State charter, as shall signify to the Secretary of the Treasury their willingness to be so assessed and their desire that their depositors shall become beneficiaries of the fund so accumulated. Any such bank, banking association, or association doing a banking business chartered by the laws of any State shall become subject to this assessment and its depositors shall become beneficiaries of the depositors' indemnity or insurance fund thus accumulated and provided for upon its complying with the provisions of this section and other sections by indicating to the Secretary of the Treasury its willingness to be so assessed, by its paying the assessments and continuing to pay the same, and by its submitting to such examinations by national-bank examiners as are now prescribed for national banks: *Provided, however*, That the Government of the United States shall not, under this section, acquire the right to close, or to put into the hands of a receiver, or otherwise to penalize any State bank, banking association, or association doing a banking business under a State charter, except that whenever a report shall be made by a national-bank examiner to the Comptroller of the Treasury which shows that if the State bank or banking association operating under the charter of a State justify the closing or appointment of a receiver if the said bank had been a national bank, or which shows that the said State banking institution is reported by the State examiner as failing to comply with the laws of the State of its charter, then the said State bank, banking association, or association doing a banking business under the charter of a State and any owners of future deposits in said bank shall cease thereafter to be beneficiaries of the depositors' indemnity or insurance fund hereby provided to be accumulated, unless the said bank shall within ten days, under the directions of the Secretary of the Treasury, restore itself to a sound condition and be publicly reported by him to have done so: *Provided, further*, That in the event any such bank shall fail or refuse to pay the assessment herein provided for within ten days after the notice of its assessment by the Comptroller of the Currency, such bank shall be denied the benefits of the deposit guarantee fund provided for herein, except to the extent of the benefit it or its depositors may have become entitled to at the time of its failure to pay said tax. The necessary expenses incident to the enforcement of section thirteen of this act shall be paid out of the proceeds of the assets of such failed banks.

SEC. 14. That any officer or director of any national bank who shall negotiate or make a loan where the purpose of the loan is a stock or produce gambling purpose, and that purpose is known to him or them, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine equal to the amount of the loan so unlawfully made and negotiated, or shall be punished by imprisonment for not less than thirty days, or by both such fine and imprisonment.

SEC. 15. That this act shall go into effect from and after the first day of July succeeding its passage and approval.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 1126, Part 3.

SCIENTIFIC BANKING SYSTEM.

MARCH 14, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURTON, of Ohio, from the Committee on Banking and Currency, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany H. R. 12677.]

I am unable to agree with the conclusions contained in the report favoring House bill 12677, known as the Fowler bill.

The most radical changes sought to be accomplished by this bill are the following:

1. The establishment of twenty zones, or districts, in each of which the control and supervision of national banks is to be left to a local board of managers, chosen by the banks therein, each board to consist of eight members, whose chairman, in the zone or district, is to exercise the authority and perform the duties of the Comptroller of the Currency.

2. The retirement of outstanding national bank-notes now secured by Government bonds and the substitution therefor of notes issued by the banks, the notes of each bank to be secured by a reserve fund of 25 per cent in reserve cities and 15 per cent in nonreserve cities. Of this reserve 5 per cent in gold or lawful money is to be paid into the Treasury for a general fund to secure the bank-note issues of all banks. This plan provides for the so-called asset currency. The obligation is imposed upon the banks to redeem their notes in gold, and a tax of 2 per cent per annum is levied upon the average amount of notes in circulation.

3. Coupled with the latter provision is one for a similar deposit by each bank of 5 per cent of its average deposits to be lodged with the Treasurer of the United States for the creation of a guarantee fund for the payment of deposits of any and all failed banks. These two guarantee funds, together with the proceeds of the tax of 2 per cent upon notes in circulation, are alike available for the payment of the notes and the deposits of banks which fail. It is estimated in the report of the majority that the amount of bank notes to be secured by these funds will be $1,000,000,000, and of deposits $13,000,000,000.

4. When these funds shall aggregate $25,000,000, bonds now pledged by national banks to secure Government deposits shall be returned to the banks to which they belong, and thereafter interest shall be paid on Government deposits lodged with banks at the rate of 2 per cent per annum. Also the Secretary of the Treasury shall deposit all Government receipts from whatever source received in such national banks as he may select, making deposits equitably among the banks in the several States; but no national bank shall receive an amount greater than 50 per cent of its capital.

5. These bank notes shall be received in payment of all dues to the United States, including duties on imports, and for all debts and demands owing by the United States, except interest on the public debt and for redemption of the national currency.

6. The proportion of reserve which banks must retain in their own vaults is increased.

7. National banks having a capital of $50,000 or more, with the requisite surplus, may act as guardian, administrator, executor, or trustee.

8. On commercial accounts no bank shall pay a higher rate than 2 per cent per annum on monthly balances. Certificates of deposit shall not be issued for a shorter period than three months, and the rate of interest shall be fixed by the boards of managers of the respective districts.

9. After the guaranty fund shall amount to the sum of $25,000,000, as before mentioned, payments to the United States Government may be by check or draft on any solvent national bank, and payments by the United States Government shall be by check or draft upon a national bank which is a depository, or upon the Treasury or one of the subtreasuries of the United States, at the option of the Government. This, with the provision referred to requiring the deposit of all receipts in banks, practically abolishes the present independent or subtreasury system.

10. The excess of the accumulations arising from the said guaranty funds and from interest and taxes upon circulation, after paying expenses and losses, shall be applied toward the cancellation of United States notes or greenbacks until the amount of greenbacks outstanding shall be reduced to the amount of the present gold reserve—$150,000,000—at which time the remaining $150,000,000 of greenbacks shall be retired and gold certificates issued therefor.

It should be added that it is part of the plan to allow any national bank to issue, with the approval of the Comptroller of the Currency, an amount of notes not exceeding its unimpaired capital and the same additional amount with the approval of the board of managers in the district in which it is located. On reserves deposited with the United States Treasury, banks receive interest at the rate of 1 per cent per annum. Agencies for the redemption of notes are to be located in each district, and the cost of redemption is to be paid from the general guaranty fund. One fourth of the losses resulting from the failures of banks issuing notes or receiving deposits shall be paid by those of the district to which the bank belongs and the remainder from the general guaranty fund.

The bill makes elaborate provision for the changed conditions which would exist by reason of the adoption of its provisions. It has many features which will meet with very general commendation, and no

doubt, if legislation should be framed for the original creation of a banking system, many of them would be adopted. It contemplates the issuance of bank notes against assets in accordance with the demands of business, thereby giving elasticity to the currency and adjusting its volume to the requirements of trade. It may be conceded that this is the most correct principle for the issuance of currency. The bill imposes upon the banks the obligation of redeeming their notes in gold. It looks to the virtual abolition of the present independent or subtreasury system, which would prevent frequent derangements in the volume of available currency by reason of the unequal amounts lodged in the Government vaults. Provision is made for the retirement of the $346,000,000 of greenbacks, which would relieve the Government from the necessity of maintaining a gold reserve. It directs the retention of a larger share of the reserves of banks in their own vaults, a reform which would no doubt tend to prevent the accumulations of large sums of money in great centers for the promotion of speculation. At the same time the measure is most revolutionary in its character. The changes contemplated are quite as radical as have ever been attempted in any advanced country save under the stress of highly exceptional circumstances, such as are created by war or a change in the form of government. For more than forty years there has been a currency which, however unsatisfactory it may be in important particulars, has possessed the quality of undoubted security. The people will not readily consent to so marked a departure as would be involved in the substitution of a guarantee fund which is expected to secure not only a probable one billion of bank notes, but thirteen billions of deposits.

It is claimed that the 5 per cent guarantee fund would, according to figures relating to failed banks, prove amply sufficient to reimburse losses. In dealing with so great a change from established methods, and in the face of a probably greatly increased issue of paper money and of deposits, no deductions derived from past experience can be considered as conclusive. It is not enough that figures should indicate that such a percentage would be sufficient. The paper money which has heretofore been received with the confidence that it is as good as gold must still be beyond suspicion. If, as is claimed, the proposed percentage is sufficient beyond peradventure, the question may very naturally be asked "Why, then, should not all banks join in a guarantee of the notes?" So vital an alteration in the established régime requires more than a conviction that the proposed plan is theoretically correct. There is a salutary conservatism in the management of business transactions which stands in the way of the acceptance of a new and untried method in a matter of such supreme importance as a banking and currency system. A plan such as that embodied in the bill can only be put in successful operation by gradual changes.

The experience of other countries, while affording valuable suggestions and furnishing apparent arguments in favor of this proposed scheme, can not be accepted as furnishing a reliable guide for our own country. In some or all of the countries in which asset currency has been tried the situation differs very materially from that in the United States, as, for example, in having a smaller volume of currrency; in stricter regulations for the relief of insolvents under severe bankruptcy laws; in a smaller area of territory and a less variety of commercial and industrial operations; in the issuance of currency by a

central bank instead of by more than 6,000, as contemplated by this measure, and, most of all, in having less pronounced tendencies to speculative and dangerous investments, which naturally obtain in an expanding country like ours, and place it in a class by itself. Although it is claimed that the provisions for prompt redemption of notes will prevent inflation, it would seem that a practically unlimited right to issue, upon payment of a tax of only 2 per cent per annum, will surely furnish the opportunity for dangerous expansion.

The provision for twenty districts or zones, in each of which there shall be separate control, makes each a law unto itself and gives opportunity for the play of local interests. The bill proposes to surrender the supervision of the Comptroller of the Currency, an official now chosen by the President upon the recommendation of the Secretary of the Treasury, and exercising the most important functions, to a board of managers chosen by the banks themselves. The promised advantages of a control under which, it is alleged, the needs of the different districts can be more intelligently considered, is more than counterbalanced by the fact that there would be twenty different boards of managers of different degrees of ability and of strictness or laxity in their ideas of banking, thereby creating a lack of centralization and harmony, both of which are requisite for the best national banking system.

While the voluntary agreement of banks for the guarantee of their common deposits is worthy of universal approval, a compulsory guarantee is dangerous and unprecedented. Under it every one of more than 6,000 banks, to the extent of 5 per cent of its deposits and note issues, must be responsible for the mismanagement or dishonesty of all the rest; indeed, it is confidently anticipated that under this proposed bill a very large number of outside institutions would incorporate under the national banking act, so that the total might reach two or three times 6,000. Such a provision places upon the same level the banker of prudence and honesty and the one who is careless and ready to resort to questionable methods.

If there is any line of business in which care and conservatism are essential, not only for the protection of the stockholders but for that of the public, it is banking. This proposed regulation places these very qualities at a disadvantage and gives a premium to those who are guilty of reckless and dishonest management. There is always a danger of such an undue expansion of credit as will enable promoters and speculators to engage in injudicious ventures which bring disaster and panic. Under normal conditions there is a restraint upon such enterprises in the difficulty of obtaining sufficient loans. At the same time there are always bankers and banking institutions which, either by reason of personal interest or the temptation of large profits, are willing to finance them if the money is available. Under a guarantee of deposits the money of depositors would inevitably gravitate to banks or financial institutions in speculative centers, because higher rates of interest could be obtained there. The result would be that capital would be invested in a manner which would be sure to lead to speculation and to unsuccessful undertakings. In the long run the public, as in the case of all oppressive or unnatural regulations, would be compelled to bear the loss, either in the form of higher rates of interest or of a lower return upon deposits.

Again, it should be noted that this measure does not contemplate the guarantee of deposits in savings banks where the depositor is most liable to imposition and where the loss would be most severely felt. For the most part, the deposits guaranteed would be derived from the proceeds of loans rather than from money actually deposited. The obvious fact should be borne in mind that the business of banking differs from every other in that its ordinary liabilities are payable on demand. So, it is not sufficient that the depositor have assurance that his deposits will ultimately be paid. If any guarantee is effective, it would be necessary that he be entitled to assurance of immediate payment whenever he demands his deposit. This is a manifest impossibility.

The section of the bill authorizing banks to act in a fiduciary capacity, or as executor, guardian or trustee, would probably assume less prominence than would at first sight be supposed. This privilege would not be effective without legislation in the respective States in which banks are located. There are, however, serious objections to such an extension of the permissible operations of national banks. It would be necessary that men of widely varied qualifications should be in the employ of each banking association, or else one or the other, either the business of banking or that of acting in a fiduciary capacity, would suffer. It has been well stated that as a general principle, corporate organizations are most successful and most useful to the public in the proportion in which they confine operations to one well-defined line of activity. It would also result that the energies of banking officials would be dissipated by the necessary division of attention among different forms of occupation. Further, it must be stated that the natural class of investments for national banks is in the transactions of commerce, while investments of trust funds would necessarily be of an entirely different character. I do not regard the passage of H. R. 12677 as either practicable or desirable at this time.

THEODORE E. BURTON.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 1126, Part 4.

SCIENTIFIC BANKING SYSTEM.

MARCH 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. McKINNEY, from the Committee on Banking and Currency, submitted the following

MINORITY VIEWS.

[To accompany H. R. 12677.]

After attending many hearings and giving much time and attention to the consideration of H. R. 12677, commonly known as the "Fowler bill," I find that I can not join in the favorable report of the committee upon said bill.

The bill is so radical in its nature, and if enacted into law would so revolutionize our present monetary system, that I fear its adoption would unfavorably affect the business of the country, especially at this time, when a feeling of uncertainty over unsettled conditions prevails.

For over forty years every national-bank note, by whatsoever bank issued, has been above suspicion and as good as gold, because behind it was placed, under the control of the Treasury Department, dollar for dollar in United States Government bonds.

Heretofore, even under the security of Government bonds, the issue of notes by national banks has been limited to the amount of the capital stock of the bank. But under the Fowler bill, without bond security, national banks are to be permitted to issue notes equal to twice the amount of their unimpaired capital stock, the security for such issue being a deposit with the United States Treasurer, in a special fund, of 5 per cent of the notes issued and 5 per cent of the average deposits of the bank for the preceding six months, and in addition thereto the accumulations of a tax of 2 per cent per annum upon the average amount of notes issued.

If the fund so created and maintained had no other mission than to safeguard the notes thus issued, no question as to its sufficiency might

be raised. While not providing the absolute security that now exists under the present law, the fund might be considered to be adequate were it not for the fact that the same fund is made subject to other and greater demands.

Out of this fund are to be paid all expenses incurred in conducting and maintaining the various redemption agencies, including salaries of managers and charges for transportation of notes; also all expenses incurred in examinations of the respective banks.

And, in addition thereto, the fund is to provide for a general guaranty of all individual, bank, and Government deposits, held by national banks, without discrimination or preference. This does not include savings deposits, as no authority is given in the bill for the acceptance of savings deposits by national banks. And the excess of the accumulations of said fund, arising from interest and taxes on circulation, is to provide for the retirement of the United States notes (or greenbacks) now in circulation.

So far as I know the general guaranteeing of deposits has not as yet been successfully tried in this or any other country. Consequently the extent of the liability that would be imposed by such an undertaking can only be conjectured. The proposition involved is one that is receiving great consideration at this time, and under adequate and reasonable provision might be adopted in this country to the advantage of our people.

But when such a guaranty is undertaken it should be inaugurated under safe and wise provisions that would prove to be absolutely sufficient to insure both safety and success, which I fear would not be the result if attempted under the provisions of the proposed measure.

In fact, I believe that to begin the experiment of guaranteeing deposits under a bill embodying among its provisions other new departures in the issue and security of our currency would be ill advised and might not give to the proposition itself a fair chance to prove successful and feasible upon its own merits.

As before stated, provision is made in the bill for the retirement of United States notes (or greenbacks) out of the excess accumulations of the guaranty fund arising from interest on bonds held as a part of this fund and interest on such part of the guaranty fund as may be deposited in national banks. The question suggests itself as to whether a fund created for the purpose of guaranteeing the deposits of national banks should be redeposited in those banks without the security heretofore required by the Government for its deposits.

In order to maintain the market value of 2 per cent Government bonds provision is made for the purchase, from time to time, of the bonds now held by the banks to secure their circulation, at a certain arbitrarily fixed price, the bonds thus purchased to become a part of the general guaranty fund. It is conceded that the present market value of said bonds could not otherwise be maintained. Thus a large percentage of the guaranty fund would be invested in these long-time bonds. If a widespread financial crisis should arise and the demands upon the guaranty fund prove to be excessive, the bonds held therein might not prove to be readily convertible into money, nor might the price realized, with all artificial support withdrawn, prove sufficient to save the fund from serious loss.

The bill also proposes to give to certain national banks privileges not heretofore enjoyed by them, viz, the right to act as guardian, administrator, executor, or trustee. This privilege is to be extended to banks having a capital of $50,000 or over, with the requisite surplus required by law. According to the last report of the Comptroller of the Currency, there were in operation in this country at the beginning of the present fiscal year 6,650 national banks. Of this number, 2,063 banks had a paid-up capital of less than $50,000, so that the privilege mentioned would be withheld from nearly one-third of our national banks, which would hardly seem to be a just and equitable arrangement and would certainly be in the line of discrimination against the smaller banks. The granting of the privilege to administer trusts to national banks would at once bring them forward as competitors in the legitimate field of the trust and savings banks and would also, in some measure, change and complicate their present methods of business, which have heretofore been of an essentially commercial character. I seriously doubt the wisdom of the proposed change. Legislation in each State, however, would probably be required before the new privilege could be exercised.

Perhaps the most frequent objection made to the Fowler bill is that it undertakes, at one stroke, to do too much, and the opinion seems generally to prevail that if its various provisions are ever to be enacted into law, they must be taken up and adopted by successive stages.

The Fowler bill is admirably drawn and presents to the country a carefully considered currency plan, in large part, as yet, theoretical and untried. We learned in 1896 how easily the people are disturbed when the character and value of our circulating medium are brought into question. To undertake to apply the Fowler plan in its entirety to the business of the nation would, in my opinion, be an experiment at once hazardous and unwarranted, and one which through its radical changes and unusual scope might involve the country in grave disaster.

In my opinion, the currency plan proposed by the members of the American currency commission, embodied in H. R. 15262, which is attached to this report, provides the elasticity desired in our currency and still maintains the absolute integrity of our money.

It could be put in effect without disturbing financial conditions, and its benefits would accrue to every national bank, from the largest to the smallest. The plan would also expand with the growth and development of the country as the number of national banks increase. It is optional with any national bank whether or not it avails itself of the privilege of note issue.

The plan is presented as the result of careful deliberations on the part of the committee of fifteen appointed by the American Bankers' Association to devise a measure giving relief to the business interests of the country, and was finally adopted at its meeting in Chicago on January 18, 1908.

The members of the currency commission of the American Bankers' Association are as follows: A. B. Hepburn, president Chase National Bank, New York, chairman; James B. Forgan, president of First National Bank, Chicago; Festus J. Wade, president Mercantile Trust Company, St. Louis; Joseph T. Talbert, vice-president Commercial

National Bank, Chicago; Charles H. Huttig, president Third National Bank, St. Louis; John Perrin, president American National Bank, Indianapolis; Luther Drake, president Merchants' National Bank, Omaha; Myron T. Herrick, chairman Society of Savings, Cleveland; Sol. Wexler, vice-president Whitney Central National Bank, New Orleans; Robert Wardrop, president People's National Bank, Pittsburg; Arthur Reynolds, president Des Moines National Bank, Des Moines; E. F. Swinney, president First National Bank, Kansas City; Joseph A. McCord, cashier Third National Bank, Atlanta; W. V. Cox, president Second National Bank, Washington, D. C.; John L. Hamilton, vice-president Hamilton & Cunningham, Hoopeston, Ill.

I herewith submit an outline of the currency commission's plan:

Section 1 provides: (1) That the national bank must have been in business one year and have surplus equal to 20 per cent of the capital before guaranteed credit notes may be issued by it.

(2) Before a bank can issue guaranteed credit notes it must have out 62½ per cent of the capital in bond-secured notes, thus giving protection to the present bondholders who invested in this class of securities and continuing the policy by giving the Federal Government a market for its bonds. They can issue 40 per cent of 62½ per cent of their capital bearing a tax of 2½ per cent per annum, and may issue additional notes equal to 12½ per cent of their capital bearing a tax of 5 per cent per annum.

(3) Provision is made that should the bonded indebtedness of the United States be diminished there may be a corresponding increase of credit notes, making this plan expansive so as to meet the demands of the times.

Section 2 provides for a tax of 1¼ per cent payable on the average amount of guaranteed credit notes in circulation each half year.

Section 3 provides for a tax of 2½ per cent on such notes outstanding in excess of 25 per cent of the capital each half year.

Section 4 provides that the total amount of bond-secured notes and credit notes shall not exceed in amount the capital stock of the bank.

Section 5 provides for the same legal reserve to be carried in the central reserve cities, reserve cities, and country banks as security against note issue as is now required to be carried by such banks to protect deposits.

Section 6 provides that the tax received on guaranteed credit notes shall constitute the guarantee fund in the Treasury of the United States.

Section 7 provides that any national bank taking out guaranteed credit notes must first deposit with the United States Treasury a sum equal to 5 per cent thereof, and said amount shall remain in the hands of the Treasury until the tax on circulation shall equal this amount, thus securing a 5 per cent guarantee fund.

Section 8 provides that the Comptroller of the Currency shall designate redemption cities.

Section 9 places these notes on a par with the present bond-secured notes.

Section 10 provides that the holder of these notes shall have a first lien on the assets of the bank.

Section 11 provides for the immediate redemption of the national-bank notes of a failed bank from the guarantee fund in the United States Treasury.

Section 12 provides for the retirement of these guaranteed credit notes.

Section 13 provides that any national bank having out circulation in excess of 62½ per cent of its capital may reduce this amount to 62½ per cent without reference to the present limitation of $9,000,000 per month.

It is optional with any national bank whether or not the bank shall avail itself of this privilege of note issue as provided in this bill. This law can be put in operation without disturbing any of the present banking arrangements.

The bill gives to the smallest bank the same privileges in proportion to its capital as the largest institution, and if it had been a law would have given to this country $336,000,000 to have met the recent crisis.

The following figures show a comparison between the organization of a national bank and the amount of bank notes they may issue under the present law and under the law as proposed by the currency commission of the American Bankers' Association:

Capital	$25,000.00	$50,000.00	$100,000.00	$500,000.00	$1,000,000.00
May issue U. S. bond-secured notes	25,000.00	50,000.00	100,000.00	500,000.00	1,000,000.00
Security U. S. bonds	25,000.00	50,000.00	100,000.00	500,000.00	1,000,000.00
5 per cent redemption fund	1,250.00	2,500.00	5,000.00	25,000.00	50,000.00
	26,250.00	52,500.00	105,000.00	525,000.00	1,050,000.00
To organize under the currency commission's plan.					
Capital	25,000.00	50,000.00	100,000.00	500,000.00	1,000,000.00
20 per cent surplus required	5,000.00	10,000.00	20,000.00	100,000.00	200,000.00
Total requirements	30,000.00	60,000.00	120,000.00	600,000.00	1,200,000.00
Notes that may be issued.					
62½ per cent bond-secured notes	15,625.00	31,250.00	62,500.00	312,500.00	625,000.00
25 per cent 2½ per cent credit notes	6,250.00	12,500.00	25,000.00	125,000.00	250,000.00
12½ per cent 5 per cent credit notes	3,125.00	6,250.00	12,500.00	62,500.00	125,000.00
Total bond-secured and credit notes	25,000.00	50,000.00	100,000.00	500,000.00	1,000,000.00
Security.					
U. S. bonds	15,625.00	31,250.00	62,500.00	312,500.00	625,000.00
5 per cent redemption fund	781.25	1,562.50	3,125.00	15,625.00	31,250.00
5 per cent redemption credit notes	468.75	937.50	1,875.00	9,375.00	18,750.00
5 per cent guarantee fund credit	468.75	937.50	1,875.00	9,375.00	18,750.00
Legal reserve fund required	1,406.25	2,812.50	5,625.00	46,875.00	93,750.00
37½ per cent of capital in general assets	9,375.00	18,750.00	37,500.00	187,500.00	375,000.00
20 per cent of surplus required	5,000.00	10,000.00	20,000.00	100,000.00	200,000.00
Total security	33,125.00	66,250.00	132,500.00	681,250.00	1,362,500.00
Total issue	26,250.00	52,500.00	105,000.00	525,000.00	1,050,000.00
Amount of security more than issue	6,875.00	13,750.00	27,500.00	156,250.00	312,500.00
Total credit notes that can be issued	9,375.00	18,750.00	37,500.00	187,500.00	375,000.00

The net profit to a national bank, providing it could keep out its full circulation on an average of thirty days, to issue 3 per cent taxed credit notes, and money loaning at 7 per cent, would be 1.95 per cent, but if they should not be able to keep out more than one-half of the circulation it would net the bank 0.825 per cent.

The following is the amount of credit notes that could be issued in each of the following States under the law proposed by the currency commission of the American Bankers' Association:

[Capital as shown by Comptroller of Currency's Report September, 1907.]

No. banks.	State.	Capital.	2½ per cent credit notes.	5 per cent credit notes.	Total note issue.
72	Alabama	$7,975,000	$1,990,625	$996,875	$2,990,625
2	Alaska	100,000	25,000	12,500	37,500
14	Arizona	755,000	188,750	94,375	283,125
37	Arkansas	3,690,000	922,500	461,250	1,383,750
128	California	29,796,900	7,449,225	3,724,612	11,173,843
104	Colorado	9,123,500	2,280,875	1,140,437	3,421,312
80	Connecticut	20,155,050	5,038,762	2,519,381	7,558,143
24	Delaware	2,273,985	568,496	284,248	852,744
12	District of Columbia	5,402,000	1,350,500	675,250	2,025,750
36	Florida	3,995,000	998,750	499,375	1,498,125
87	Georgia	8,959,000	2,239,750	1,119,875	3,359,625
4	Hawaii	610,000	152,500	76,250	228,750
34	Idaho	1,775,000	443,750	221,875	665,625
395	Illinois	54,571,250	13,642,812	6,821,406	20,464,218
223	Indiana	23,315,000	5,928,750	2,914,375	8,743,125
168	Indian Territory	7,127,500	1,781,875	890,937	2,672,812
304	Iowa	18,735,000	4,683,750	2,341,875	7,025,625
203	Kansas	12,031,540	3,007,885	1,503,942	4,511,827
141	Kentucky	16,058,400	4,014,600	2,007,300	6,021,900
87	Louisiana	8,989,920	2,247,480	1,123,740	3,371,220
79	Maine	9,401,000	2,350,250	1,175,125	3,525,375
98	Maryland	17,743,215	4,435,804	2,217,902	6,653,706
203	Massachusetts	59,217,500	14,804,375	7,402,187	22,206,562
93	Michigan	13,963,915	3,490,978	1,745,489	5,236,468
253	Minnesota	20,341,000	5,085,250	2,542,625	7,627,875
27	Mississippi	3,300,000	825,000	412,500	1,237,500
113	Missouri	28,955,000	7,238,750	3,619,375	10,858,125
38	Montana	3,519,500	879,875	439,937	1,319,812
196	Nebraska	12,261,770	3,065,442	1,532,721	4,598,163
8	Nevada	1,607,000	401,750	200,875	602,625
56	New Hampshire	5,210,000	1,302,500	651,250	1,953,750
172	New Jersey	19,708,230	4,927,057	2,463,528	7,390,585
39	New Mexico	1,918,041	479,510	239,755	719,265
404	New York	159,109,600	39,777,400	19,888,700	59,666,100
60	North Carolina	5,620,000	1,405,000	702,500	2,107,500
121	North Dakota	4,395,000	1,098,750	549,375	1,648,125
361	Ohio	59,631,800	14,907,950	7,453,975	22,361,925
136	Oklahoma	4,885,000	1,221,250	610,625	1,831,875
55	Oregon	3,866,000	966,500	483,250	1,449,750
733	Pennsylvania	112,433,998	28,108,499	14,054,249	42,162,749
22	Rhode Island	6,700,250	1,675,062	837,531	2,512,593
26	South Carolina	3,485,000	871,250	435,625	1,306,875
87	South Dakota	3,287,500	821,875	410,937	1,232,812
78	Tennessee	9,260,000	2,315,000	1,157,500	3,472,500
521	Texas	39,679,900	9,919,975	4,959,987	14,879,962
18	Utah	2,180,000	545,000	272,500	817,500
50	Vermont	5,685,000	1,421,250	710,625	2,131,875
100	Virginia	12,175,800	3,043,950	1,521,975	4,565,925
45	Washington	6,547,750	1,636,937	818,468	2,455,405
90	West Virginia	7,733,500	1,933,375	966,687	2,900,062
127	Wisconsin	15,555,000	3,888,750	1,944,375	5,833,125
29	Wyoming	1,585,000	396,250	198,175	594,425
1	Porto Rico	100,000	25,000	12,500	37,500
6,544	United States	896,451,314	224,112,828	112,056,414	336,169,242

GEOGRAPHICAL DIVISIONS.

499	New England States	$106,368,800	$26,592,200	$13,296,100	$39,888,300
1,443	Eastern States	316,671,028	79,167,757	39,583,878	118,751,635
1,312	Southern States	130,921,520	32,730,380	16,365,190	49,095,570
1,869	Middle Western States	235,067,965	58,766,991	29,383,495	88,150,485
1,121	Western States	60,134,351	15,033,587	7,516,793	22,550,381
303	Pacific States	46,577,650	11,644,412	5,822,218	17,466,630
5	Island possessions	710,000	177,500	88,750	266,250
6,544	United States	896,451,314	224,112,828	112,056,414	336,169,242

RESERVE CITIES.

If the plan of the American Bankers' Association were now a law the banks of the reserve cities could issue credit notes as follows:

	Capital, national banks.	2½ per cent credit notes.	5 per cent credit notes.	Total credit currency notes.
Atlanta, Ga	$2,100,000	$525,000	$262,500	$787,500
Albany, N. Y	2,100,000	525,000	262,500	787,500
Brooklyn, N. Y	1,602,000	400,500	200,250	600,750
Baltimore, Md	12,740,700	3,185,175	1,592,587	4,777,762
Boston, Mass	26,050,000	6,512,500	3,256,250	9,768,750
Cincinnati, Ohio	13,300,000	3,325,000	1,662,500	4,987,500
Cleveland, Ohio	9,350,000	2,337,500	1,168,750	3,506,250
Columbus, Ohio	3,550,000	887,500	443,750	1,331,250
Chicago, Ill	27,650,000	6,912,500	3,456,250	10,368,750
Cedar Rapids, Iowa	400,000	100,000	50,000	150,000
Denver, Colo	3,200,000	800,000	400,000	1,200,000
Des Moines, Iowa	800,000	200,000	100,000	300,000
Dubuque, Iowa	600,000	150,000	75,000	225,000
Detroit, Mich	4,750,000	1,187,500	593,750	1,781,250
Dallas, Tex	2,400,000	600,000	300,000	900,000
Fort Worth, Tex	1,925,000	481,250	240,625	721,875
Galveston, Tex	425,000	106,250	53,125	159,375
Houston, Tex	2,500,000	625,000	312,500	937,500
Indianapolis, Ind	5,100,000	1,275,000	637,500	1,912,500
Kansas City, Mo	3,300,000	825,000	412,500	1,237,500
Kansas City, Kans	1,000,000	250,000	125,000	375,000
Los Angeles, Cal	5,550,000	1,387,500	693,750	2,081,250
Lincoln, Nebr	650,000	162,500	81,250	243,750
Louisville, Ky	4,945,000	1,236,250	618,125	1,854,375
Minneapolis, Minn	5,700,000	1,425,000	712,500	2,137,500
New York, N. Y	114,580,000	28,645,000	14,322,500	42,967,500
New Orleans, La	6,025,000	1,506,250	753,125	2,259,375
Omaha, Nebr	2,800,000	700,000	350,000	1,050,000
Portland, Oreg	1,250,000	312,500	156,250	468,750
Philadelphia, Pa	22,305,000	5,576,250	2,783,125	8,359,375
Pittsburg, Pa	29,100,000	7,275,000	3,637,500	10,912,500
St. Louis, Mo	19,100,000	4,775,000	2,387,500	7,162,500
San Francisco, Cal	13,800,000	3,450,000	1,725,000	5,175,000
St. Paul, Minn	4,100,000	1,025,000	512,500	1,537,500
Savannah, Ga	750,000	187,500	93,750	281,250
Salt Lake City, Utah	1,200,000	300,000	150,000	450,000
Seattle, Wash	1,750,000	437,500	218,750	656,250
St. Joseph, Mo	900,000	225,000	112,500	337,500
Waco, Tex	800,000	200,000	100,000	300,000
Washington, D. C	5,150,000	1,287,500	643,750	1,931,250
Wichita, Kans	500,000	125,000	62,500	187,500

JAMES MCKINNEY.

[H. R. 15262, Sixtieth Congress, first session.]

A BILL For the issue and redemption of national-bank guaranteed credit notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act any national banking association which has been in business for one year and has a surplus fund equal to twenty per centum of its capital may take out for issue and circulation national-bank notes without a deposit of United States bonds as now provided by law. Said notes shall be known as "National bank guaranteed credit notes." Said notes shall be issued in such form and denominations and under such rules and regulations as the Comptroller of the Currency shall fix. The amount of said notes so taken out by any national banking association may be equal to forty per centum of the amount of its national-bank notes at any time outstanding which are secured by the deposit of Government bonds, but shall not exceed in amount twenty-five per centum of its capital: *Provided, however,* That if at any time in the future the present proportion of the total outstanding unmatured United States bonds to the total capitalization of all national banking associations in active operation shall diminish, then the authorized issue of national bank guaranteed credit notes shall be increased to a correspondingly greater percentage of the bond-secured notes.

SEC. 2. That every national banking association taking out national bank guaranteed credit notes in accordance with the foregoing section shall pay to the Treasurer of the United States, in the months of January and July, a tax of one and one-fourth per centum upon the average amount of such notes in circulation during the preceding half year.

SEC. 3. That any national banking association which has taken out national bank guaranteed credit notes in accordance with the provisions of section one of this act may take out a further amount of national bank guaranteed credit notes equal to twelve and one-half per centum of its capital, but it shall pay to the Treasurer of the United States, in the months of January and July, a tax of two and one-half per centum upon the average amount of such notes in circulation during the preceding half year.

SEC. 4. That the total amount of bank notes issued by any national banking association, including national bank guaranteed credit notes taken out in accordance with the provisions of this act, shall not exceed the amount of its paid-up capital.

SEC. 5. That any national banking association situated and doing business in a central reserve city, or a reserve city, shall at all times have on hand in lawful money of the United States, an amount equal to at least twenty-five per centum of its national bank guaranteed credit notes in circulation; and every other national banking association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of its guaranteed credit notes in circulation: *Provided, however*, That any national banking association situated and doing business in a reserve city may keep one-half of its lawful money reserve on deposit in a national bank in a central reserve city, or in a reserve city, and that every national banking association situated and doing business outside of a central reserve city, or a reserve city, may keep three-fifths of its lawful money reserve on deposit in a national bank in a central reserve city, or in a reserve city.

SEC. 6. That the taxes upon national bank guaranteed credit notes, provided for in sections two and three of this act, shall be paid in lawful money to the Treasurer of the United States. Said taxes, when received, shall constitute a guarantee fund to redeem the notes of failed banks and to pay the cost of printing and current redemption.

SEC. 7. That when any national banking association takes out any national bank guaranteed credit notes for issue and circulation it shall deposit with the Treasurer of the United States in lawful money an amount equal to five per centum thereof. The amount so deposited shall be placed in the guaranty fund for the purposes thereof. But said amount shall be refunded to the respective banks as soon as the taxes provided for in sections two and three of this act maintain said guaranty fund above five per centum of the maximum amount of national bank guaranteed credit notes taken out for issue and circulation, but that no bank shall withdraw any part of its deposit of said five per centum until it shall have to its credit in said fund more than five per centum.

SEC. 8. That the Comptroller of the Currency shall designate certain cities conveniently located in the various sections of the United States for the current daily redemption of said national bank guaranteed credit notes; he shall fix rules and regulations for such redemption; and, before authorizing and permitting any national banking association to take out for issue and circulation any national bank guaranteed credit notes, he shall require such bank to make arrangements satisfactory to him for the current daily redemption of such notes in every redemption city so designated.

SEC. 9. That said national bank guaranteed credit notes, issued in accordance with the provisions of this act, shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency. Said notes shall be received upon deposit and for all purposes of debt and liability by every national banking association at par and without charge of whatsoever kind.

SEC. 10. That the holder of any national bank guaranteed credit note shall have a prior lien on the assets of the national banking association issuing it and on the statutory liability of shareholders.

SEC. 11. That upon the failure of a national banking association, all outstanding national bank guaranteed credit notes taken out by it in accordance with the provisions of this act shall, upon presentation to the United States Treasury, be paid in lawful money out of the guaranty fund; but the United States Treasurer shall recover in lawful money from the assets of the failed bank the amount of the guaranteed credit notes of such bank outstanding at the time of failure, and the same shall be paid into the guaranty fund as provided in section ten of this act.

SEC. 12. That any national banking association desiring to retire its national bank guaranteed credit notes or to go into liquidation shall pay into the guaranty fund an amount of lawful money equal to the amount of its national bank guaranteed credit notes then outstanding.

SEC. 13. That any national banking association desiring to take out national bank guaranteed credit notes and having notes outstanding in excess of sixty-two and one-half per centum of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money, redeem such excess without reference to the limitation of nine million dollars each month prescribed in the act approved March fourth, nineteen hundred and seven.

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[redacted]

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1128.

EXPERT MEDICAL TREATMENT FOR DISABLED FIREMEN OF DISTRICT OF COLUMBIA.

FEBRUARY 29, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. TAYLOR, of Ohio, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 15230.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," report the same back to the House with the recommendation that it do pass when amended as follows:

Insert in page 1, line 10, after the word "require," the words "medical or surgical."

Strike out of page 2, lines 4 and 5, the words "some competent surgeon," and insert in lieu thereof the words "a member of the board of fire surgeons."

With the exception of the two amendments above reported the form of the new section proposed to be added to the act of February 28, 1901, is the same as recommended by the Commissioners of the District of Columbia, under date of January 24, 1908. The purpose of the proposed legislation is to make the same provision for the medical and surgical treatment of firemen injured in the performance of their duty as is now in force in the case of policemen. The following paragraphs from the Commissioners' letter show the necessity and justice of this legislation:

Occasionally members of the fire department are injured in the performance of their duty so far as to require the services of specialists in addition to the aid rendered by the board of fire surgeons, to meet the expense of which is a hardship upon the afflicted firemen and their families, whose resources are not adequate to meet such charges in addition to the ordinary demands upon them.

As an instance of such special attention, a member of the fire department was subjected to an X-ray treatment in order to determine the nature of his injury, for which it was found necessary to resort to the service of a specialist, as the board of fire surgeons had no facilities for making such investigations, and the fire department had no fund from which the expenditure could be paid.

Under section 364, Revised Statutes, relating to the District of Columbia, provision is made for the payment of such expenses for the members of the police department, and experience has demonstrated the necessity of a similar provision for members of the fire department.

The following is the section of the Revised Statutes relating to the District of Columbia referred to in the last paragraph above quoted:

SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1129.

LICENSES OF DRIVERS OF PASSENGER VEHICLES FOR HIRE IN DISTRICT OF COLUMBIA.

FEBRUARY 29, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MCMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 15231.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 15231) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire, report the same back to the House with the recommendation that it do pass.

This proposed legislation was transmitted to the committee by the Commissioners of the District of Columbia, in the form in which it is herewith reported, and its enactment was recommended by them.

The "license law" referred to in the title is contained in a subdivision, headed "License taxes," of the Act of July 1, 1902, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," being section 7 of said act. Paragraph 11 of said section, referred to in the proposed legislation, is as follows:

Par. 11. That proprietors or owners of hacks, coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire shall pay license taxes as follows: Vehicles drawn by one animal, six dollars per annum; autovehicles, automobiles, electromobiles, or other horseless vehicles by whatever name called, and vehicles drawn bv more than one animal, nine dollars per annum. Licenses issued under this section shall date from July first in each year. The driver of every licensed passenger vehicle, while transacting business as such driver, shall wear conspicuously upon his breast a badge numbered to correspond with the license of his vehicle. The badge shall be furnished by the District of Columbia and a tax of fifty cents shall be charged therefor in addition to the amount of the vehicle license.

The amendment recommended consists in adding the following provisions to the above paragraph 11:

That any and all persons employed or engaged in driving a horse or horses or other animal or animals attached to coaches, omnibuses, carriages, wagons, or other passenger vehicles for hire shall pay an annual license tax of one dollar: *Provided*, That such license shall not in any case be issued except upon application therefor to the assessor by the person desiring the license, and upon approval of such issue by

the Commissioners of the District of Columbia under such general regulations as they may prescribe, after report, made by some member of the Metropolitan police designated to inspect public vehicles, to the major and superintendent of police; and it shall be the duty of the major and superintendent of police to forward said report to said Commissioners through the assessor of the District of Columbia. And there shall be kept in the department of police a list of names of all drivers, their annual license number, and any record that may be necessary concerning the conduct of drivers of public vehicles that may be required in connection with good public vehicle service: *Provided*, That licenses issued under the provisions hereof shall not be assigned or transferred, and every assignment or transfer of any such license shall be illegal, null, and void. Any person who shall violate any of the provisions of this amendment shall be punished as provided in paragraph forty-seven of said section seven.

Paragraph 47 of section 7 of the act of July 1, 1902, above referred to, prescribing the penalty for violating any of the provisions of section 7 and made applicable to the violation of any of the provisions of the legislation proposed in the bill reported herewith, is as follows:

Par. 47 That any person violating any of the provisions of this section shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than five hundred dollars for each offense, and, in default of payment, by imprisonment not exceeding thirty days, in the discretion of the court, except as otherwise provided in this section.

The purpose of the proposed legislation is to provide stringent and effective regulations for the control of the drivers of passenger vehicles for hire, by requiring them to procure licenses and pay a certain license tax. The present law therefor refers only to the "proprietors or owners" of such vehicles. It is thought that the enactment of these measures into law will enable the Commissioners to enforce obedience and will result in the prevention of many abuses complained of.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1130.

COMMON CARRIERS TO MAKE REPORTS OF ACCIDENTS, ETC.

FEBRUARY 29, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17979.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17979) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

Amend the bill as follows:

Strike out in line 9, section 1, the word "serious."

The bill as amended is a reenactment in substance of the act entitled "An act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission," approved March 3, 1901, with section 3 added as new matter. In order to avoid a duplication of reports, upon recommendation of the Interstate Commerce Commission, the proviso has been added to section 1 of the bill, the idea being that if all accidents were included in the monthly reports there would be no necessity of the common carriers making annual reports of "accidents to passengers, employees, and other persons, and the causes thereof," as required by section 20 of the Hepburn Act.

Section 1 of the act approved March 3, 1901, requires monthly reports "of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers, or employees while in the service of such common carrier and actually on duty." The monthly report, as shown in section 1 of the bill, requires reports "of all collisions, derailments, or other accidents resulting in injury to person or property." The latter provision therefore broadens the scope of these reports, because it embraces injuries to employees, passengers, and all other persons, thus including trespassers.

Section 3 of the bill gives authority to the Interstate Commerce Commission "to investigate all collisions, derailments, or other accidents resulting in serious injury to person or property occurring on the line of any common carrier engaged in interstate or foreign commerce by railroad" and provides how such investigation shall be made and what the reports of such investigations shall contain and in what manner they shall be made public.

The Interstate Commerce Commission in its annual reports has repeatedly recommended the granting to it of such authority by Congress. In response to the request of the Committee on Interstate and Foreign Commerce for such suggestions as it desired to make with reference to the merits of H. R. 4804, being a bill which practically contained the provisions now set forth in section 3 of the bill herewith reported, the Commission, through its chairman, Mr. Knapp, declared as follows:

This measure is cordially approved by the entire Commission. It responds to the recommendation which the Commission has repeatedly made upon this subject in its annual reports to the Congress and is believed to be adequate in scope and form for the purpose intended.

Chairman Knapp further reports:

We respectfully call your attention to the fact that the proper and efficient administration of such a law will involve an expenditure which the Commission can not make from its present appropriation. To a great extent, if not for the most part, the Commission would be obliged to make the required investigations through agents and representatives appointed to perform that duty, and this implies the selection of men of high character and unquestioned capacity, who must be correspondingly paid, to say nothing of such subordinates as stenographers, typewriters, clerks, etc. It will be necessary, therefore, to materially increase the general appropriation, which would otherwise be sufficient, or to provide a special fund which the Commission could use for this particular purpose.

In this connection we call your attention to a kindred recommendation upon which we request favorable action. Under existing law carriers are required to make monthly reports to the Commission of accidents caused by collision or derailment, or resulting in injury to passengers or employees on duty; and the Commission is authorized to require annual reports of all accidents however caused, and this results in much duplication. We greatly desire that the statutory obligation to furnish monthly reports be extended by amendment to cover all accidents, and thus permit the omission of accidents from the annual reports required by section 20 of the amended law. To this end we propose the following:

"That in addition to the reports now required, the Commission, beginning with the first day of July, nineteen hundred and eight, shall require, and all carriers subject to this act shall furnish, on forms provided by the Commission, full reports of all accidents occurring on their respective lines resulting in death or injury, whether to passengers, employees, or other persons; the intent of this section being to make the monthly accident reports complete and to relieve the carriers from the duty of reporting accidents to persons in their annual financial and operating reports made to the Commission."

All of which is respectfully submitted.

MARTIN A. KNAPP, *Chairman.*

This suggestion has been carried out by adding the proviso to section 1, already alluded to.

In view of the fact that under the provisions of said act, approved March 3, 1901, railroad companies through their proper officials were required to make reports of accidents and give the causes thereof, it was found that such reports were oftentimes delayed beyond the limit of time allowed by law and were often reported imperfectly, requiring delay in securing complete reports and, further, in view of the fact that it was but natural that railroad companies, as a rule, in reporting causes of accidents occurring on their lines, would not magnify their

own carelessness, if indeed they would in all instances admit their share of responsibility, and because in many cases reports were received wherein no cause of accident was given and the report entered and published as "unexplained," the conclusion became irresistible that there should be authority given to the Commission to investigate for itself the causes of accidents resulting in serious injury to person or property. Section 3 of this bill gives such authority and limits its exercise to such instances where, the injury being serious, investigation seems necessary.

To show a few instances of the insufficiency of present reports as now made the committee herewith insert a statement furnished by the Interstate Commerce Commission showing that for the fiscal year ended June 30, 1907, there were 78 accidents involving the loss of 407 lives and the injury of 1,614 persons, which should have been investigated:

The reports shown in accident bulletins indicate that circumstances connected with certain of these accidents were not sufficiently cleared up by the companies' reports and might be affected by bad practice or other conditions requiring correction which could only be disclosed by an impartial investigation conducted by a Government body. For instance, accident No. 15, reported in Bulletin 21, in which two persons were killed and five injured, is reported as due to a mistake in order; the receiving operator omitted two words and the dispatcher failed to check the error in the repetition. Investigation should be made to determine the practice of the railroad company with regard to the handling of train orders and to the experience of the men who are charged with responsibility for this accident.

Accident No. 30, from the same bulletin, in which two persons were killed and four injured, is said to be due to a misinterpretation of orders. Conductor and enginemen had been on duty eighteen hours. This indicates bad practice and should be investigated.

Collision No. 16, in Bulletin 22, in which 1 person was killed and 49 injured, is said to have been caused by an error in the engineman's watch. This is a cause which would indicate the need of considerable investigation to determine the method of handling such matters on that particular road.

Many of the accidents noted are reported as due to false clear-signal indications and other derangements of the block system, but the cause of such derangements is in no case made clear. Whether these are due to the employment of inexperienced and immature persons or to the use of improper apparatus or material are matters which can only be determined by rigid investigation.

In Accident Bulletin No. 23, covering the months of January, February, and March, 1907, three derailment accidents are reported in which a total of 22 persons were killed and 185 injured, for which derailments no causes were assigned and no explanations given. An examination of subsequent bulletins shows even a larger number of unexplained causes of accidents.

Your committee believes that if this bill passes and the authority provided in section 3 is given to the Commission thorough and careful investigations will be made, and as by section 4 of the bill neither the report made by the company nor the report of the investigation made by the Commission are to be admitted as evidence or for any purpose in any suit or action for damages, it will be possible to secure full and complete testimony of all the facts connected with any given accident.

As the reports of these investigations increase and the causes of accidents are established and made known it will be possible for the Commission to make recommendations to Congress with a view to the enactment of remedial legislation. The ascertainment by a disinterested commission of the causes of railroad accidents and the publicity given to the findings of such commission will have a beneficial effect

throughout the country and lead to the correction by the common carriers of such faults in management or defects in road construction or equipment as may have been found to have been defective. It is in this particular that the legislation provided in section 3 is expected to be peculiarly valuable.

Section 5 of the bill is the same as section 4 of the act approved March 3, 1901.

Section 6 repeals the above-mentioned act.

O

60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 1132.

ESTABLISHMENT OF A NAVAL BASE AT PEARL HARBOR IN THE HAWAIIAN ISLANDS.

MARCH 2, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BATES, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 18120.]

The Committee on Naval Affairs, having had under consideration the bill (H. R. 18120) to establish a naval station at Pearl Harbor, Hawaii, report the same with the recommendation that it do pass without amendment.

The Hawaiian Islands afford the only possible location for a strong naval base in the central Pacific Ocean for a distance of over 4,000 miles from our western coast.

Pearl Harbor is beyond question one of the best, if not the best, natural harbor in the world. It has a depth of water of over 60 feet and an area of nearly 10 square miles, and capable of floating the combined navies of the world. It is not only landlocked, but, by reason of the topography of the surrounding ground, ships lying in this harbor are out of view from the open sea. It is the only practicable site for a naval base in the Pacific Ocean, and is the recognized key to naval supremacy in those waters. Its equipment as an operating base is a prerequisite to the most successful operation of our fleets whether offensive or defensive.

For over sixty-five years the United States Government has officially recognized the strategetic importance of the Hawaiian Islands and the necessity of preventing their occupation by any other nation.

Beginning in 1842 President Tyler gave notice to all European nations that the United States would never consent to their occupying Hawaii or establishing any naval base there.

This "Monroe Doctrine of the Pacific" was reiterated by Daniel Webster, as Secretary of State, in 1851, and by William L. Marcy, the great Democratic Secretary of State, by James G. Blaine, and by William McKinley.

Capt. (now Admiral) A. T. Mahan, writing in 1893, came to the conclusions:

To any one viewing a map that shows the full extent of the Pacific, * * * two circumstances will be strikingly and immediately apparent. He will see at a glance that the Sandwich Islands stand by themselves in a state of comparative isolation, amid a vast expanse of sea; and, again, that they form the center of a large circle whose radius is approximately the distance from Honolulu to San Francisco. * * * This is substantially the same distance as from Honolulu to the Gilbert, Marshall, Samoan, and Society Islands, all under European control except Samoa, in which we have a part influence. * * *

To have a central position such as this, and to be alone, having no rival and admitting no rival, * * * are conditions that at once fix the attention of the strategist. * * * But to this striking combination is to be added the remarkable relations borne * * * to the great commercial routes traversing this vast expanse.

Too much stress can not be laid upon the immense disadvantage to us of any maritime enemy having a coaling station well within 2,500 miles, as this is, of every point of our coast line from Puget Sound to Mexico. Were there many others available we might find it difficult to exclude from all. There is, however, but the one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles—or between 7,000 and 8,000 going and coming—an impediment to sustained maritime operations well nigh prohibitive. * * * It is rarely that so important a factor in the attack or defense of a coast line—of a sea frontier—is concentrated in a single position, and the circumstance renders doubly imperative upon us to secure it if we righteously can.

Twenty-two years ago, by the reciprocity treaty with King Kalakaua, the United States acquired the right to establish a naval base on Pearl Harbor.

Ten years ago this nation, foreseeing the likelihood that they might fall into the hands of an Oriental nation, annexed the Hawaiian Islands. This momentous action was taken primarily because of the strategic value of the Hawaiian Islands and for the purpose of establishing a strong naval base on Pearl Harbor.

Since that time a magnificent site for a naval station, consisting of over 600 acres of land, has been purchased by the Federal Government, and a 30-foot channel has been dredged through the channel bar.

The War Department has also acquired ample sites for fortifications at the channel entrance, and the first battery is now under construction.

Up to the present time no beginning has been made toward the actual construction of a naval base on Pearl Harbor. Year after year the needs of the Naval Establishment in other directions have been permitted to crowd it out of the naval bills.

In the judgment of your committee the new developments on the Pacific and among the nations that border its shores make it imperative that a strong operating base be established for our Navy at Pearl Harbor without further delay.

A naval base at Pearl Harbor is not designed primarily for the protection of Hawaii. Its main purpose is to form a buffer of defense for our entire Pacific coast and to make possible our naval supremacy upon the Pacific.

An enemy in possession of Hawaii could harass and threaten our entire western coast. On the other hand, with our own fleet operating from a well equipped base at Pearl Harbor, no fleet from the Orient would find it practicable to threaten our coast, because of the stronghold left in their rear and of the prohibitive distance from their coaling base.

The equipment of Pearl Harbor is therefore a matter of national prudence and not of extravagance. It affords the nation's least expensive way of defending our Pacific coast it will constitute one of

the strongest factors in the prevention of war with any power in the Far East.

Your committee has received memorials from all of the strongest commercial organizations on the entire Pacific coast, urging that the development of Pearl Harbor be provided for at this session of Congress.

The national importance of this measure is emphasized by the fact that commercial bodies from the Central West and from New York City have also memorialized Congress on this subject during this present session.

The question of a naval base in Hawaii is not comparable with the same problem in the Philippines. Hawaii is both a permanent organic part of our nation, and is also a source of revenue; during the past eight years Hawaii has paid more than $9,000,000 into the Federal Treasury.

Every consideration, whether of national honor or policy, demands that Pearl Harbor be made impregnable and equipped as a naval base immediately.

With a naval base at Pearl Harbor, Hawaii would be our great defensive outpost; in the hands of an enemy it would double the nation's cost for naval defense.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1133.

TO PROVIDE FOR THE TEMPORARY WARRANTING AND FOR THE RETIREMENT OF PAY CLERKS IN THE NAVY.

MARCH 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 12684.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 12684) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, having had the same under consideration, report the same to the House with the recommendation that it do pass with the following amendments:

Page 1, line 11, after the word "service," insert "twelve years of which shall be sea service."

Page 1, line 12, after the word "officers," insert the following:

Provided, That the provision herein contained as to sea service shall apply only to pay clerks who may be hereafter appointed, who have not heretofore served as such, and to pay clerks who have not an accumulated service of eight years prior to the passage of this act.

Page 1, line 12, after the word "provided," insert "*further*."

This bill places clerks to paymasters of the Navy on the same footing as other warrant officers of corresponding length of service and provides for their retirement at the discretion of the Secretary of the Navy after thirty years of accumulated service, twelve years of which shall be sea service, provided that no pay clerk shall be retired until he shall have attained the age of 62 years. The bill further provides for their relief by retirement for disabilities incurred in the line of duty as is now provided for by law for other officers. The warrants issued to the clerks to paymasters of the Navy may be revoked at any time in the discretion of the Secretary of the Navy.

At present the status of the clerks to paymasters of the Navy is most unsatisfactory. Paymaster's clerks have been held by the Supreme Court of the United States to be officers of the Navy (ex parte Reed, 100 U. S., 13; U. S. *v.* Hendee, 124 U. S., 309); they

page 2, line 11), at least twelve years' service shall have been performed while attached to and serving on board a cruising naval vessel.

As will be seen by a letter addressed to you on January 3, 1905 (copy herewith), a measure similar to H. R. 12684 has heretofore received the approval of the Department.

Very respectfully,

V. H. METCALF,
Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

NAVY DEPARTMENT,
Washington, January 3, 1905.

SIR: I have the honor to transmit herewith for consideration by the committee the draft of a bill providing for the temporary warranting and for the retirement of paymaster's clerks. Paymaster's clerks have been held by the Supreme Court to be officers of the Navy (Ex Parte Reed, 100 U. S., 13; U. S. *v.* Hendee, 124 U. S., 309); they are subject to trial by court-martial; much of their duty is performed at sea; and they have their full share of the hardships incident to naval service.

Under the present practice these officers are appointed upon the nomination of a pay officer, and such appointments continue in force during one tour of duty of that pay officer only. Paymaster's clerks with good records are, however, usually reappointed from time to time by different pay officers as their services are required.

Believing that the interests of the service will be promoted by warranting this class of officers and providing for their retirement, the Department approves the measure.

Very respectfully,

PAUL MORTON,
Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

The committee deem it proper for the best interests of the naval service to provide for the temporary warranting and for the retirement of pay clerks, in order to hold out proper inducements to retain a trained corps of men for the proper performance of the duties connected with the pay officer at sea and on shore.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1135.

BOARD OF EDUCATION OF HARPERS FERRY SCHOOL DISTRICT, JEFFERSON COUNTY, W. VA.

MARCH 3, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAUGEN, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 8959.]

The Committee on War Claims, to whom was referred the bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va., submit the following report:

The board of education of the Harpers Ferry school district, in the county of Jefferson, is a corporation created and existing under the laws of the State of West Virginia, and successor and without any transfer or conveyance, the owner of all the real and personal property of that school district and of the board of education of Bolivar district, of Jefferson County, W. Va. (see sec. 6 of chap. 45 and sec. 1 of chap. 45 of the Code of West Virginia), and as such corporation has the power to sue and be sued, and receive, hold, and dispose of, according to the rules of law and the intent of instruments conveying tle, any gift, grant, devise, or bequest made for the use of any free hool or schools under their jurisdiction, and as such shall succeed d be substituted to all the rights of the former township or district ards of education. Every magisterial district in each of the coun- of the State shall be a school district. Bolivar magisterial dis- t, under the laws of the State of Virginia, prior to the creation of State of West Virginia, constituted and included the territory was afterwards included in the township of Harpers Ferry under onstitution of 1863. By the convention of 1872 the word "Dis- " was substituted for the word "Township" in the new consti- n. The territory of Bolivar district and of the present district of ers Ferry are the same in geographical extent and boundari claim for which the bill proposes payment [illegible] cupation and injury and complete d[illegible]

schoolhouses which were located in Bolivar district, and used for public schools and educational purposes exclusively. These claims were transmitted to the Court of Claims under the Bowman Act, by the Committee on War Claims of the House of Representatives, first, in August, 1888 (Congressional No. 6033) and again August, 1890 (No. 7956). Prior to the dates named the claim was presented before the Quartermaster-General who regarded it as one for damages, and reported he was unable to certify that it was just and he disallowed the same December 14, 1887.

The Court of Claims in an opinion delivered on the 4th day of March, 1895, dismissed the claim upon the ground that the board of education having the legal title and the right to possess and use the buildings above named, was disloyal to the United States, and the cases were therefore dismissed for want of jurisdiction. (See opinion of Richards, C. J.)

At some later period this same claim came before the court under section 14 of the act approved March 3, 1887, commonly known as the Tucker Act, and is known as No. 10074. In this last case a great deal of evidence has been taken, in regular form, on behalf of the claimant and the witnesses have been cross-examined by the counsel for the United States.

While the claimant is of opinion that a reference to the court under the Tucker Act does not require the court to find on the question of loyalty, yet it is advised that the court having found the claimant in this case disloyal, will treat the matter as res adjudicata and will not proceed farther to find the amount of damage or compensation that should be paid.

It is respectfully submitted that the court was clearly in error in imputing, as it does in the opinion above referred to, the disloyalty of the State of Virginia to the board of education of the school district and the inhabitants thereof, and the county of Jefferson. A brief statement of the historical facts will serve to establish this conclusion.

At Harpers Ferry, in Bolivar district, was located the armory, arsenal, and other military works of the United States, in which were employed some four or five hundred workmen.

On February 4, 1861, an election was ordered throughout the State of Virginia for delegates to meet in the city of Richmond for the purpose of considering the question of seceding from the Union. Jefferson County was entitled to two delegates, and the Union voters nominated Messrs. Logan Osborn and A. M. Barbour, and at the convention at which they were nominated instructed them to vote against the proposed ordinance of secession. Two other candidates were nominated who favored the adoption of the ordinance of secession. In the election that followed, in February, Messrs. Osborn and Barbour were elected delegates to the convention. That convention passed the so-called ordinance of secession on the night of April 17, 1861. The next day, shortly after noon, the officers and soldiers of the United States Army, who were in charge of all the shops and warehouses of the Army arsenal and armory—apprehending that the same would fall into the hands of those who were engaged in rebellion, burned, blew up, and destroyed the workshops and other buildings located at Harpers Ferry owned by the United States, and the work people, being without employment, were scattered, four-fifths of them, according to the best evidence, seeking employment in similar factories under the Government of the United States in the Northern States.

The loyal citizens of western Virginia in the territory not within the Confederate lines, treating the attempted ordinance of secession as null and void and the act of treason in adhering to the Confederacy by the governor and all of the other State officers of Virginia as vacating, abandoning, and surrendering their respective offices, reorganized and restored the government of Virginia and carried on and maintained what was known as the "restored government of Virginia," with Francis H. Pierpoint governor, with a legislature, courts, and county governments in all of the counties that were not within the Confederate lines, and in due time the general assembly of the restored government of the State of Virginia gave its assent to the creation of the State of West Virginia out of the territory now embraced in the State of West Virginia, and made special provision for admitting the county of Jefferson into and making it a part of the new State.

And at a still later date the general assembly of the restored government of Virginia, by an act entitled "An act giving consent to the admission of certain counties into the new State of West Virginia, upon certain conditions," passed February 4, 1863, enacted that "at the general election on the fourth Thursday of May, 1863, it should be lawful for the voters of the district composed of the counties of Frederick and Jefferson, or either of them, to declare by their vote whether the counties of the said district should be annexed to and become part of the State of West Virginia," and the consent of the general assembly of Virginia was thereby given for the annexation to the State of West Virginia, if a majority of the votes polled therein should so determine; and it was further provided by said act that it should be the duty of the governor of the State of Virginia to ascertain and certify the result of the said vote, as other elections are certified, and Francis H. Pierpoint, governor of the State of Virginia, did, on the 14th day of September, in the year 1863, after reciting that polls were open in the said county of Jefferson on the 28th day of May, 1863, on the question of annexation to the new State, certify under his hand and the seal of the State of Virginia that from the returns made to the executive department thereof a very large majority of the votes cast at the said election were in favor of the said annexation of the said county of Jefferson to the State of West Virginia; and the legislature of the State of West Virginia, by an act passed on the 2d day of November, 1863, enacted that "The county of Jefferson, lately constituting part of the Commonwealth of Virginia, is hereby admitted into and made a part of this State;" and ever since that date Jefferson County has been recognized as a part of the State of West Virginia, and that State's existence has been recognized by every department of the Government of the United States for more than forty-four years.

The political sins and disloyalty of a majority of the voters of Virginia ought not to be imputed to the loyal citizens who were able to reorganize and restore the State government of Virginia, which restored government was recognized as the loyal government of Virginia from its restoration in 1861 until after the close of the war, when a military government superseded it. It was this recognized legal, valid, and loyal government that gave the consent of Virginia to the creation out of a part of its territory of the new State of West Virginia, and the validity of that government and its right to grant that consent was recognized by President Lincoln, who proclaimed the creation and

admission of the new State by enabling acts of the Congress of the United States, and later by the Supreme Court of the United States, and during all the years after the close of the rebellion in one or both branches of Congress, and after 1872, when for a time every branch of the State government of West Virginia was Democratic, was recognized and acquiesced in and no question of its validity was ever raised in any form or judicial proceeding.

The evidence taken in this case clearly shows that the buildings that were used exclusively for educational purposes were taken and used by the officers and soldiers of the United States Army during the years 1863–64, and after the existence of the restored or reorganized and loyal government of Virginia had been recognized by all departments of the Government, and, in part at least, after Jefferson County had become a part of the State of West Virginia.

General Orders, No. 100, issued by the War Department from the Adjutant-General's office under date of April 24, 1863, by order of the Secretary of War, containing "Instructions for the government of the Army of the United States in the field," prepared by Dr. Francis Lieber and revised by a board of officers, and having been approved by the President of the United States, by his command were published for the information of all concerned.

Paragraph 31, Section II, of said instructions declares that "A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation." But at the time this property was taken and destroyed it did not belong to the hostile State or Confederate government.

Paragraph 34 of said section declares—

> As a general rule, the property * * * belonging to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, is not to be considered public property in the sense of paragraph 31.

It is a very remarkable proposition that the Government of the United States in many forms, both before and since the civil war, has appropriated and expended many millions of dollars for educational purposes in all of the States of the Union, both North and South, without regard to whether they were at any time in rebellion or not, should now refuse to reimburse and repay to the impoverished citizens of Harpers Ferry, whose principal industry, the Government works, were destroyed as a result of the war, and whose territory was often traversed and ravaged by the troops upon either side, and whose public school buildings were used and appropriated and destroyed in the exigencies of warfare by the troops of the United States, should now refuse to pay for the damages occasioned and the property so taken and destroyed.

In this case the evidence shows that after the brick and other material had been used for the convenience and necessities of the Army, they were sold along with other material taken from other buildings which perhaps belonged to a part of the Government works at Harpers Ferry, and the proceeds of these sales covered into the Treasury of the United States. It was impossible to distinguish between the proceeds of the sale of material taken from the public school buildings

and that from the armory or arsenal buildings, and this fact probably had more to do with the inability of the Quartermaster-General to certify the amount or that it was just as to the amount, and he therefore disallowed the same.

The claims set up in the Court of Claims in each of the three cases, and that before the Quartermaster-General, and in the various bills introduced in Congress, are identical and are solely for the materials of the three school buildings, and are shown by the testimony to have been worth at least $2,121.72, and exclusive of the cost of labor in the erection or construction of the buildings, which would be at least 50 per cent more, or with an allowance of interest from the year 1864, to this date, would amount to more than 250 per cent, or aggregate more than $5,300.

The claimant, wearied with the many delays in the effort to secure the settlement and payment of this most just and equitable claim, is willing to waive a claim for interests and for the cost of the labor that would be necessary to restore these buildings, and to accept the sum of $2,121.72 in full of its claims.

The Government can not afford to deal niggardly or harshly with these people whose loyalty is clearly shown by the historical facts above recited; whose losses both directly and indirectly, as individuals, were enormous by reason of the war and the ravages of both the Union and the Confederate armies, and least of all can it afford to take the proceeds of the sales of the building material taken from their public school buildings and paid into the Treasury of the United States, and refuse to reimburse them when the proceeds of such repayment would be exclusively devoted to the education of the youths of Harpers Ferry district, in the public schools.

It is not pretended that the officers and soldiers of the United States were not justified in taking possession of and using for the shelter and comfort of the troops the buildings and materials of which they were constructed, and if they were so justified the Government is liable, whether the property was taken for use or destroyed. (See Grant's case, 1st C. Cls. Rep., p. 41.)

In that case the court held that the exercise of the right of eminent domain under the fifth article of the amendments of the Constitution binds the Government to the observance of the principles of justice and right in its dealings with the citizen. That article declares that "Private property shall not be taken for public use without just compensation." Again, a military officer charged with a particular duty may impress private property into public service or take it for public use, and unquestionably in such case the Government is bound to make full compensation to the owner. And again, the court holds that the destruction of private property for public use is a taking of it within the meaning of the Constitution, and it therefore follows that just compensation must be paid for the property so taken and destroyed.

As will be seen by reference to paragraph 34 of Section II of General Orders No. 100, "the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character" are placed upon the same footing and no better than applies to the property of establishments for education or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, etc., and in the case of the Presbyterian Church *v.* United States,

at page 339, volume 33 of the Court of Claims Reports, the court lays down the doctrine in the following words:

Second syllabus: "In cases of religious and charitable institutions, Congress have adopted a different rule as to the measure of damages, viz, to allow for a building as a building" (which in this case would include not only the material, but the cost of the carpenter work and construction), "but whether owners are entitled to that or any relief rests entirely with the legislative discretion;" that is, the discretion of Congress.

There is another view of this matter which impresses the members of the committee with very great force. It is unquestionable that, by the law of nations, institutions of learning are exempted by all civilized nations from the hostilities of war. They are to be classed in this respect with public libraries, monuments, collections of art or science, hospitals, etc.

Your committee recommend the passage of the bill with the following amendment: In lines 6 and 7 strike out "three thousand five hundred dollars" and insert in lieu thereof "two thousand one hundred and twenty-one dollars and seventy-two cents."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1136.

TO REIMBURSE THE STATE OF PENNSYLVANIA FOR MONEYS ADVANCED THE UNITED STATES.

MARCH 3, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOLLIDAY, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 13476.]

The Committee on War Claims, to whom was referred the bill (H. R. 13476) for the relief of the State of Pennsylvania, submit the following report:

The facts out of which this claim for relief arises will be found in the House report from the Committee on War Claims of the Fifty-fourth Congress, a copy of which is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 819, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (S. 490) to indemnify the State of Pennsylvania for money expended in 1864–1866, submit the following report:

A similar bill was before the Committee on Military Affairs of the Senate of the Fiftieth Congress and was favorably reported upon. After a careful examination of the facts involved your committee adopt the report of the Committee on Military Affairs of the Senate of the Fiftieth Congress, a copy thereof being hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[Senate Report No. 518, Fiftieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1364) to declare the sense of an act entitled "An act to reimburse the State of Pennsylvania for moneys advanced Government for war purposes," and to authorize a reexamination of the settlement made by the Secretary of War thereunder, having had the same under consideration, beg leave to submit the following report:

The object of this bill is to carry out the provisions of the act of April 12, 1866 (14 Stat. L., p. 32), entitled "An act to reimburse the State of Pennsylvania for

moneys advanced Government for war purposes," and to indemnify the State for the loss sustained by the nonfulfillment thereof.

The origin of this indebtedness is fully explained in the special message of Governor Curtin of April 30, 1864 (see copy herewith, marked Exhibit A), from which it appears that when the militia, called out by the governor under the proclamation of the President of June 15, 1863, were disbanded, the appropriation in the Treasury of the United States from which the militia were paid had been exhausted, and the Secretary of War requested the governor to borrow the money needed to pay them for services rendered the United States, assuring him at the same time that he would secure from Congress at the next session the appropriation to pay the parties from whom the money was obtained the expense incurred.

That upon the faith of this assurance the governor, with the sanction of the Secretary of War, induced a committee of bankers in Philadelphia, of which Charles H. Rogers was chairman, to borrow on their personal credit the amount required, with the understanding that if the United States failed to indemnify them he would ask the legislature to do so, and the militia were paid by said committee in August and September, 1863, from funds thus obtained, the sum of $671,476.43, the vouchers for which were forwarded to the War Department for payment in December, 1863, through the adjutant-general of the State.

Congress failed to make the appropriation promised by the Secretary of War, but the legislature promptly responded to the governor's request to redeem the pledge that he had made, and the Rogers committee were, on the 8th of September, 1864, paid by the State treasurer their account of expenses incurred in paying off the militia in full to date, as follows:

For amount paid the militia in August and September, 1863	$671,476.43
For interest on the money borrowed to September, 1864	41,890.71
For expenses	52.47
Making a total of	713,419.61

(See official report of State treasurer for 1864, p. 421.)

The legislature of Pennsylvania, by joint resolution approved February 3, 1865, requested the governor to make a formal demand upon the United States for the payment of this sum, with interest from September 8, 1864, and instructed the Senators and Representatives of the State in Congress to vote for and urge an appropriation to pay the same (State laws of 1865, p. 861; see copy appended to this report, marked "Exhibit B"). This exhibit also contains a copy of the act of Congress of April 12, 1866.

This resolution was introduced in Congress the next session after its passage, and became, as the record shows, the inducing cause that brought about the passage of the act of April 12, 1866.

A bill which is the counterpart of said act, differing therefrom in nothing essential, was reported from the Committee on Ways and Means on the 21st of March, 1866, appropriating $800,000 to reimburse the State for money expended.

In reporting the same Mr. Stevens said, mentioning the amount paid to the militia by the Rogers committee:

"It is that amount, with the interest due to these individuals, which has since been paid by the State, that it is proposed to pay. Pennsylvania has paid it, and that State is now substituted for those individuals." (Congressional Globe, Thirty-ninth Congress, first session, part 2, p. 1553.)

In making this declaration Mr. Stevens was simply repeating what is conclusively established by the history of the times when said act was passed and which occasioned its passage, hereinbefore recited, which the Supreme Court has said may not only be recurred to in construing a statute, but that a recurrence thereto "is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it." (3 Howard, p. 24; 1 Wheaton, p. 120, and 91 U. S. R., p. 72.)

In this particular case such recurrence is indispensable, for otherwise the statute is unintelligible.

The transaction was in substance the borrowing of so much money by the United States through the agency of the State of Pennsylvania, upon the credit of the latter, the whole of which was paid by the latter as quasi security for the former, and as the former recognizes its liability to pay the principal no part of the transaction can be repudiated, but interest as well as principal should be paid by the party for whose benefit and at whose request the loan was made.

From the large amount appropriated in excess of the principal expended by the State ($713,419.61) the reasonable inference would be that Congress intended to

include the interest thereon from September 8, 1864, as claimed in the joint resolution of February 3, 1865, which, if added, would very nearly exhaust the amount appropriated ($800,000), as shown by the following statement:

Amount expended by the State September 8, 1864	$713,419.61
Interest to June 18, 1866 (1 year 9 months and 10 days), date when the award of Secretary of War was made	78,841.77
Amount due	792,361.38

Assuming, however, that a strict interpretation of the statue only authorized a return of the principal expended by the State, which is probably all the language employed—namely, "to reimburse the State of Pennsylvania for money expended"—would warrant, and deducting therefrom the amount paid by the United States, the account would stand as follows:

Amount expended by the State September 8, 1864	$713,419.61
Amount paid June 18, 1866, under the settlement of the Secretary of War	667,074.35
Balance due the State June 18, 1866	46,345.26

The State subsequently applied to the War Department for said balance, payment whereof was refused upon the ground that the Secretary of War had no authority to review the settlement made by his predecessor, except to correct an error of computation therein, and that the State was concluded by the governor's acceptance of the payment made.

The plea that a State could be concluded by a payment made to any one of its officers, not authorized to bind the State, of a part only of what was due under the statute, or that the remedy provided by the statute could be exhausted by such settlement as the record shows was made in this case, is certainly a novel one. It was not such a settlement as the statute contemplated. The statute authorized payment, and consequently settlement of the claim therein described, namely, the claim of the State for money expended by the State; that is to say, the claim presented to Congress, described in the joint resolution of the legislature of February 3, 1865.

The claim settled by the Secretary of War was the claim that the Rogers committee had presented to the War Department in December, 1863, and the amount paid was a portion of that claim.

Furthermore, as shown by recently discovered testimony, the settlement of the Secretary of War was not intended to be a reimbursement in full of the payment authorized by the statute, but only an advance pro tanto of the account due the State thereunder. (See Exhibit C, appended to this report, consisting of a letter from the Register of the Treasury, dated December 31, 1887, transmitting copy of warrant No. 8447, of June 18, 1866.)

This was the warrant issued in payment of the award made by the Secretary of War, and thereon appears the following indorsement:

"This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The account as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, will be subject to a reexamination and final settlement at this Department hereafter.

"H. McCulloch, *Secretary.*"

It is very evident from the facts stated that the settlement made by the Secretary of War was not a final settlement of the claim of the State of Pennsylvania for which reimbursement was provided by the act of Congress approved April 12, 1866, nor so intended, and that the State has not received the full amount authorized by said act.

Your committee therefore beg leave to report the bill back to the Senate with an amendment in the nature of a substitute, and, as amended, recommend its passage.

EXHIBIT A.

[April 30, 1864, journal of the senate.]

The secretary of the Commonwealth being introduced, presented a message from the governor, which read as follows, viz:

EXECUTIVE CHAMBER,
Harrisburg, April 30, 1864.

To the senate and house of representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: On the 15th of June last, in consequence of the advance of the rebel army north of the Potomac, the President issued his proclamation calling for militia from this State to repel the invasion. I immediately issued my proclamation, of the same date, calling on the militia to come forward. When the men began to assemble under this call of the President, some difficulties arose from their unwillingness to be mustered into the service of the United States, as mischievous persons made themselves busy in misrepresenting the consequences of such muster. In this state of affairs I suggested to the President the expediency of my calling the militia so as to remove the difficulties which had been thus created. The President approved of the suggestion, and for the purpose of attaining the end proposed by his proclamation, directed me to make a State call for militia. I accordingly, on the 26th day of June, 1863, issued my call for the militia. The United States clothed, equipped, and subsisted the men thus called into service, but declined to pay them, on the ground that Congress had made no appropriation for that purpose. Assurances were, however, received from the War Department, that if the money to pay these troops should be advanced by corporations or individuals, application would be made to Congress, on its meeting, to make the necessary appropriations to refund the money thus advanced. Copies of two telegraphic dispatches from the Secretary of War are herewith submitted—one addressed to me, dated July 22, 1863, and the other addressed to a member of a committee of the Union League in Philadelphia, dated July 21, 1863, and which was immediately communicated to me. On the faith of these assurances I proposed that the moneyed institutions of the State should advance the money, there being no State appropriation for the purpose. I pledged myself that if the money should be so advanced I would recommend an appropriation by the legislature to refund it, in case Congress should fail to do so. A copy of my letter on this subject, dated July 22, 1863, is herewith submitted. This not being entirely satisfactory to the gentlemen composing the committee of banks, they had an interview with me here, and I finally handed to them the paper dated 24th July, 1863, a copy of which is also herewith submitted. Several of the banks, and other corporations in the State, acting with their accustomed spirit and patriotism, promptly came forward and agreed to advance the necessary funds, and the troops were accordingly paid. The disbursements were made, and the pay accounts were so faithfully, as well as formally, kept by gentlemen who acted entirely without compensation, that they were settled by the adjutant-general of the State with the accounting officers at Washington, without any objections arising.

The sums thus advanced amount, with interest, at the present time, to about $700,000. It ought to be added that little more than one-half of this sum was required to pay the troops during the existence of the emergency. The remainder was expended in paying such of them as, against my remonstrance, were detained afterwards by the United States for the purpose of enforcing the draft.

The assurances given by the Secretary of War were, of course, sanctioned by the President. The pay of these troops was in fact a debt of the United States, and the faith of the Government was pledged to do all in its power to procure the proper appropriation by Congress to refund the money. I regret to say that the President has not considered it his duty to lay the matter openly before Congress by a message. A bill, it is true, has been introduced and is now pending in Congress, providing the necessary appropriation, but it has met with opposition, and in the absence of some public declaration by the Executive of the pledges made by Government, it may possibly be defeated.

Meanwhile, as your session is drawing to a close, I feel bound to redeem the faith of the executive department of Pennsylvania, and do therefore earnestly recommend the passage of a law providing for the repayment of the sums advanced as hereinbefore stated, if Congress should fail to provide therefor at its present session. Our own good faith will be thus preserved, and it can be in no other manner.

A. G. CURTIN.

WASHINGTON, *July 21, 1863.*

J. R. FRY,
Chairman, Union League, Philadelphia:

All that is necessary is that the governor of Pennsylvania should see that the company pay rolls are properly made out and certified. This being done, the amount due is readily ascertained, and can be paid, and the pay rolls will furnish the proper official voucher of the payment. This Department will lay before Congress, at the commencement of the session, an estimate to cover the amount, and request the appropriation. The matter has been arranged in this way in other States, and has been productive of no delay or complaint where the governors have given their attention to it, and seen that the muster rolls are properly made out.

EDWIN M. STANTON, *Secretary of War.*

WASHINGTON, *July 22, 1863.*

To his excellency Governor A. G. CURTIN:

Your telegrams respecting the pay of militia called out under your proclamation of the 27th of June have been referred to the President for instructions, and have been under his consideration. He directs me to say that while no law or appropriation authorizes the payment by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If in the meantime you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it.

Measures have been taken for the payment of troops mustered into the United States service as soon as the muster and pay rolls are made out.

The answer of this Department to you, as governor of the State, will be given directly to yourself whenever the Department is prepared to make answer.

EDWIN M. STANTON, *Secretary of War.*

EXECUTIVE CHAMBER,
Harrisburg, Pa., July 22, 1863.

GENTLEMEN: In my interview with you on the 19th instant I had the honor to lay before you and the presidents of the other banks of the city of Philadelphia, the difficulties which surround the militia of Pennsylvania, called into service for the defense of the State, and more especially the want of any appropriation of money, by the National or State Government, for their payment. I proposed at the time that the money necessary for that purpose be raised from banks and other corporations, relying upon Congress for an appropriation at the next session, or, on failure, upon the legislature of our own State. I refer, with great pleasure, to the promptness and unanimity with which the gentlemen present expressed their willingness to respond to the call made upon them.

I inclose a copy of a telegram received this morning from the Secretary of War, which you notice is fully up to the expectations we entertained at the time of our meeting and pledges the Government of the United States so far as it is possible in the absence of Congress. I can not give you a correct estimate of the amount of money we may require; I do not think, however, it can exceed $700,000. Of that amount, the city of Philadelphia having appropriated $150,000 to the payment of volunteers raised in the city, it would seem just and proper that it should be refunded in the same manner, and made part of the fund to be disbursed.

I propose that your committee immediately address banks and other corporations throughout the State, requesting them to contribute in some just proportion, which I leave to your discretion.

Inasmuch as the money thus raised could not go into the treasury of the State, and if it could not be drawn out without authority of law, I suggest that gentlemen of known character be selected to pay the regiments as they pass out of service. In the meantime, we will have the proper muster rolls prepared so that under the laws of the United States and regulations of the War Department the proper vouchers will be presented with our claim on the Government.

If there should be any failure on the part of the Government of the United States to refund the money raised as proposed, I will ask the legislature at the opening of the next session to make an appropriation to refund it with interest.

You will excuse me for again reminding you that we should act promptly in this matter, as it is not only just to the men who have cheerfully taken up arms in defense of the State, but important to the Government, if it should be necessary to make any such calls in the future.

I am, gentlemen, very respectfully, your obedient servant,

A. CURTIN.

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys, and John B. Austin, committee of the banks of Philadelphia.

EXECUTIVE CHAMBER,
Harrisburg, July 24, 1863.

I ask the banks and other corporations in Pennsylvania to advance money to pay the militia called into service under my proclamation of the 26th of June, 1863, for the defense of the State, there being no appropriation made by the legislature for that purpose.

When the legislature meets in January I will ask and recommend an appropriation to refund the money thus advanced, with interest.

It will be noticed that the Secretary af War, by a telegram to me, dated the 22d of July, commits the Government of the United States to the payment of this money, so far as it is possible in the absence of Congress.

Having had an interview with the presidents of the banks in Philadelphia, and a correspondence on this subject, I request that if the money can be raised, the committee appointed by that body collect and disburse the funds through paymasters nominated by me.

A. G. CURTIN, *Governor of Pennsylvania.*

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys, and John B. Austin, committee of the banks of Philadelphia.

Laid on the table.

EXHIBIT B.

No. 4.—JOINT RESOLUTION relative to the repayment by the United States of certain moneys advanced by the Commonwealth of Pennsylvania to pay the volunteer militia of eighteen hundred and sixty-three.

Whereas the United States are indebted to the Commonwealth of Pennsylvania in the sum of seven hundred and thirteen thousand dollars, with interest on the same from the eighth day September, anno Domini one thousand eight hundred and sixty-four, for money advanced to pay the volunteer militia of eighteen hundred and sixty-three, which was promised to be paid by the General Government, as appears by the telegram of the Secretary of War to Governor Curtin, bearing date the twenty-second day of July, anno Domini eighteen hundred and sixty-three: Therefore,

Be it resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, That the President is hereby requested to recommend Congress to make the necessary appropriation to pay the said sum. And we further request the Senators and Representatives of this State in the Congress of the United States to earnestly urge and vote for an appropriation to pay the same; that the governor be, and he is hereby, requested to cause a copy of the foregoing preamble and resolutions to be transmitted to the President and each of the Senators and Representatives of this State in the Congress of the United States.

ARTHUR G. OLMSTED,
Speaker of the House of Representatives.
WILLIAM J. TURRELL,
Speaker of the Senate.

Approved the 3d day of February, A. D. 1865.

A. G. CURTIN.

(Laws of 1865, p. 861.)

Copy of act of Congress approved April 12, 1866.

CHAP. XL. AN ACT To reimburse the State of Pennsylvania for moneys advanced Government for war purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to supply a deficiency in paying the Army under the act of March fourteenth, eighteen hundred and sixty-four, and to reimburse the State of

Pennsylvania for money expended for payment of militia in the service of the United States the sum of eight hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the same is paid the claim of the State shall be again examined and settled by the Secretary of War. (14 Stats. at Large, p. 32.)

Memorandum.

As stated in report, the bill which brought about the passage of the act of April 12, 1866, was reported to the House March 21st, 1866.

In addition to the remarks of Mr. Stevens, quoted in the brief, explanatory of the object of the bill, the reference given (Cong. Globe, 1st sess. 39th Congress, 1865–1866, Part 2, page 1553) also contains copies of the correspondence between Secretary Stanton and Governor Curtin and J. R. Fry, chairman of the Union League, Philadelphia, and between Secretary Stanton and Congress. The history of the legislation in the 39th Congress with the bill introduced, appropriating $700,000 to pay the parties from whom the money was borrowed, is also explained.

EXHIBIT C.

Transcript certificate.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., December 30, 1887.

Pursuant to section 886 of the Revised Statutes of the United States, I, W. S. Rosecrans, Register of the Treasury Department, do hereby certify that the annexed are true copies of warrant and draft in favor of Hon. Andrew G. Curtin, governor, on file in this Department.

W. S. ROSECRANS, *Register.*

Be it remembered that William S. Rosecrans, esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Charles S. Fairchild, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this 30th day of December, in the year of our Lord 1887.

[SEAL.] C. S. FAIRCHILD, *Secretary of the Treasury.*

[Warrant, War Dep't, No. 8447. Appropriation.]

TREASURY DEPARTMENT.

To the Treasurer of the United States, greeting:

Pay to Hon. Andrew G. Curtin, governor, present, or order, out of the appropriation named in the margin, six hundred and sixty-seven thousand and seventy-four dollars and thirty-five cents, due the State of Pennsylvania on settlement, approved by the Secretary of War, pursuant to requisition No. 4195 of the Secretary of War, dated 16 June, 1866, countersigned by the Second Comptroller of the Treasury, and registered by the 2d Auditor. For so doing this shall be your warrant.

Given under my hand and the seal of the Treasury this 18th day of June, in the year of our Lord one thousand eight hundred and sixty-6, and of Independence the ninety-th.

H. MCCULLOCH, *Secretary of the Treasury.*

Countersigned, 18.
$667,074.35.

R. W. TAYLER, *Comptroller.*

Recorded, 18.
[SEAL.] J. A. GRAHAM, *Assistant Register.*

NOTE.—This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The accounts, *as* approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury

Department, will be subject to re-examination and final settlement at this Department hereafter.

H. McCulloch, *Secretary.*

To reimburse the State of Pennsylvania for money expended for payment of militia in the service of the United States. Act app'd April 12, 1866.

Received for the above warrant the following draft, No. 3878, on A T., Phila.:

Draft No. 3878 on War.] [Warrant No. 8447.
$667,074$\frac{85}{100}$. D. F.

Treasury of the United States,
Washington, June 18, 1866.

At sight, pay to Hon. Andrew G. Curtin, governor, etc., or order, six hundred sixty-seven thousand seventy-four dollars $\frac{85}{100}$.
Registered June 18th, 1866.

J. A. Graham,
Asst. Register of the Treasury.
[$667,074$\frac{85}{100}$.

To Asst. Treasurer U. S.,
Philadelphia, Pa.
No. 3878.]

F. E. Spinner,
Treasurer of the United States.

December 31, 1887.

Dear Sir: In accordance with your request of 20th instant, I transmit herewith a copy of warrant No. 8447, dated June 18, 1866, in favor of Hon. A. G. Curtin, governor.

Respectfully, W. S. Rosecrans, *Register.*

L. S. Wells, Esq.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1142.

TEMPORARY HOME FOR EX-UNION SOLDIERS AND SAILORS IN DISTRICT OF COLUMBIA.

MARCH 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4920.]

The Committee on Military Affairs, to whom was referred the bill (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines, submit the following report:

This bill passed the Senate February 17, 1908, and your committee recommend the same favorably to the House with the recommendation that it do pass. A similar bill was reported favorably to the House (H. R. 9240), and is now on the calendar, with the exception that this bill appropriates $50,000 while the House bill provided for $30,000. The needs of this legislation are fully set out in Senate Report No. 229 and House Report No. 508 of the present session of Congress.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1144.

GRANTING TO GRAYS HARBOR AND COLUMBIA RIVER RAILWAY COMPANY A RIGHT OF WAY THROUGH THREE TREE POINT MILITARY RESERVATION, WASH.

MARCH 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEVENS, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 626.]

The Committee on Military Affairs, to whom was referred the bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation in the State of Washington to the Grays Harbor and Columbia River Railway Company, its successors and assigns, report the same back to the House with the recommendation that it do pass.

This act passed the Senate February 19, 1908, and the report made thereon is hereto annexed and made a part of this report.

[Senate Report No. 179, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, has considered the same, and now reports it back to the Senate favorably, recommending its passage amended as follows:

Strike out all after the enacting clause and substitute in lieu thereof the following:

"That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments or trestles: *Provided*, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut, and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of

construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War, and upon the payment of such compensation as may be fixed by him.

"SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

"SEC. 3. That Congress reserves the right to alter, amend, or repeal this act."

Amended as above, the bill has the favorable indorsement of the War Department, as will be seen from the following official communications:

WAR DEPARTMENT, *January 14, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, and its inclosure; also to copy of amended bill referred to.

WM. H. TAFT,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January, 11, 1908.

SIR: 1. I have the honor to return herewith S. 626, Sixtieth Congress, first session, "A bill authorizing and empowering the Secretary or War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns," which was referred to the Secretary of War by the Senate Committee on Military Affairs for information.

2. This bill was referred to Lieut. Col. S. W. Roessler, Corps of Engineers, in charge of engineering work in the locality in question, who submitted a report upon the subject under date of December 30, 1907, a copy of which is submitted herewith.

3. The Three Tree Point Reservation is situated on the right bank of the Columbia River about 22 miles above its mouth, and was set apart for military purposes by order of the President. It is not now occupied for military purposes.

4. So far as the interests of the Engineer Department are concerned, there would be no objection to granting a right of way through this reservation, but it is thought that the interests of the United States would be better safeguarded by a measure following the draft submitted by Lieutenant-Colonel Roessler, with his report, as a substitute for Senate bill 626.

5. It is therefore suggested that all of the bill following the enacting clause be struck out, and that the following be substituted in lieu thereof:

"That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments, or trestles: *Provided*, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem it advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War and upon the payment of such compensation as may be fixed by him.

"SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

"SEC. 3. That Congress reserves the right to alter, amend, or repeal this act."

This proposed substitute follows the phraseology of the act of February 25, 1907 (34 Stats., 926), granting to the Columbia Valley Railroad Company a right of way through the Fort Columbia Military Reservation.

6. A copy of the bill modified in accordance with the foregoing suggestion is inclosed. No objection is seen by this office to its passage as thus amended.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

UNITED STATES ENGINEER OFFICE,
Portland, Oreg., December 30, 1907.

GENERAL: 1. In reply to your letter dated December 17, 1907 (Engr. Dept. file 22461), I have the honor to return herewith S. bill 626, Sixtieth Congress, first session, with the following report:

2. The reservation is not now occupied for military purposes, and it is not thought objectionable to grant the desired request under proper restrictions.

3. The bill as drafted does not, in my opinion, properly safeguard the interests of the United States. I note specially in the first proviso, on page 2 of the proposed bill, that the Secretary of War is required to prescribe all the regulations for operating the proposed railroad before the land is entered upon by the said railroad company. The natural inference is that the Secretary of War would therefore be prohibited from making any modifications from the original regulations, however advisable such modifications might be in the interests of the military service.

4. Inclosed herewith is a proposed substitute of the bill, drafted after the bill approved February 25, 1907, under which the Columbia Valley Railroad Company was authorized to construct a railroad and telegraph line through the military reservation at Scarborough Head, Fort Columbia, Wash.

Very respectfully, your obedient servant,

S. W. ROESSLER,
Lieut. Col., Corps of Engineers U. S. Army.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, U. S. Army, Washington D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1145.

ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

MARCH 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAMILTON, of Michigan, from the Committee on the Territories, submitted the following

REPORT.

[To accompany S. 4351.]

The Committee on the Territories, to whom was referred the bill (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company, having had the same under consideration, report it back with the recommendation that it do pass.

The Alaska Pacific Railway and Terminal Company is a corporation organized under the laws of the State of Washington. It is engaged in the construction of a railroad in Alaska, the southern terminus of which is Whale Island in Controller Bay, a short distance east of the mouth of the Copper River, which flows into the Gulf of Alaska.

It is stated to be the intention of the company to build its road inland a distance of about 20 miles to the Bering River coal fields; thence northwest and north about 150 miles to the copper fields on the Copper River and its tributaries; thence northeasterly to the city of Eagle on the Yukon River, a distance of upward of 500 miles from its southern terminus, thereby connecting by a trunk line the Yukon River with tide water which is free from ice the year around, and supplying transportation to a large territory.

The act of May 14, 1898, the general law regulating the obtaining of rights of way for railroads in Alaska, provides that within one year after a road has filed its preliminary survey it shall file a permanent map and profile of at least a 20-mile section and that such 20-mile section shall be completed within one year from the approval of such map and profile.

The act further provides that when maps are not filed or sections of road completed within the time prescribed any rights as to right of way which might have been acquired by compliance with the provisions of the act shall be forfeited.

Pursuant to the provisions of this general act the Alaska Pacific Railway and Terminal Company filed in the Interior Department a

preliminary survey and maps and profiles of definite location and began the construction of its road at its southern terminus, and under the provisions of the law it must complete its first section of 20 miles by March 18, 1908.

This it can not possibly do, although, as your committee believes, it has in good faith made every effort to do so, having expended upward of $400,000 on the work of actual construction. It has been hampered by the fact that only a short time in the year can be devoted to construction work in Alaska, as well as by other conditions which have hindered all roads seeking to build there.

The bill, which this report accompanies, seeks to extend the time within which the road may complete its first section of 20 miles one year, or to March 18, 1909, and to extend one year the time within which it may file from time to time its maps and profiles of definite location on successive 20-mile sections.

Counsel representing the Copper River and Northwestern Railway Company, a corporation seeking to build a railroad in the same vicinity as the Alaska Pacific Railway and Terminal Company, appeared before the committee and stated that while they did not oppose the passage of the bill, they desired an amendment providing that the extension of time provided in the bill should—

> in no wise conflict with or impair any rights lawfully acquired by any railroad company prior or subsequent to the lapse of time within which the said Alaska Pacific Railway and Terminal Company shall have been required to comply with the provisions of the act of May 14, 1898.

So far as the Copper River and Northwestern Railway Company or any other railroad is concerned, no act of Congress can dispossess them of any rights which they might have acquired under the general law.

As the case now stands, the Alaska Pacific Railway and Terminal Company has acquired prior rights as to contested right of way, because it filed its surveys first and commenced its construction first.

Now, if Congress fails to pass this bill extending the time within which the Alaska Pacific Railway and Terminal Company may do what it has in good faith tried to do and has been prevented from doing by conditions beyond its control, then the Copper River and Northwestern Railway Company will succeed to the rights of the former company, which will lapse March 18.

In other words, the Copper River and Northwestern road seeks to place itself in the position of advantage which the Alaska Pacific Railway and Terminal Company has gained by its enterprise and activity.

As long as the Alaska Pacific Railway and Terminal Company has acted in good faith, the committee sees no good reason why it should be deprived of this fair advantage.

Probably the greatest need of Alaska is railroads. Not only its commercial and industrial but its political development is dependent upon a system of transportation which will bring its widely separated communities into closer communication with each other and with the outside world.

Railroads are built in Alaska under the greatest difficulties, resulting not only from physical and climatic conditions, but because of the hesitancy of capital to seek investment in a distant country about which the general public has little information.

Your committee believes that Congress should in every reasonable way aid legitimate railroad enterprises there.

Experience has demonstrated that strict compliance with the provisions of the general law prescribing the time within which maps and surveys must be filed and within which sections of road must be completed is practically impossible, and it is believed that where a road has in good faith endeavored to comply with these requirements and failed because of conditions which it can not control, the time prescribed in the general law should be extended, and it has been the uniform policy of Congress to grant such extensions.

Within the past four years extensions of time have been granted to the Council City and Solomon River Railroad, in Seward Peninsula; to the Alaska Central Railroad, running northward from Seward, on the Gulf of Alaska, and to the Valdez, Marshall Pass and Northern road, running northeasterly from Valdez, on the Gulf of Alaska.

Your committee believes that it is better to have two or more competing roads from a given point than only one. The failure of Congress to pass this bill will seriously hamper the Alaska Pacific Railway and Terminal Company, if it does not render it impossible for the company to proceed with its operations, and it will leave the field in the possession of a single company—the Copper River and Northwestern road, which might eventually control transportation from this point.

The bill was referred to the Department of the Interior, and the a letter of the Secretary, approving the bill, is attached to and made a part hereof.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1908.

SIR: I am in receipt of your letter of January 24, 1908, inclosing for report H. R. 12905, entitled "A bill for the relief of the Alaska Pacific Railway and Terminal Company."

Said company is organized under the laws of the State of Washington, and in January and February, 1906, it filed in this Department copies of its articles and amended articles of incorporation and proofs of organization, which amended articles were accepted for filing on April 6, 1906, under the provisions of the act of May 14, 1898 (30 Stat., 409).

On March 3, 1906, the company filed in the local land office at Juneau, Alaska, a map of preliminary location of its road from Martin's Island, northeasterly 14.31 miles and certain plats of terminal grounds, the map being accepted for filing July 2, 1906.

A map of definite location of this portion of the line of road for 20 miles was filed in said local land office on December 20, 1906, within the year after the filing of the preliminary map, as required by said act of May 14, 1898, which map was approved March 18, 1907. Several other maps have been filed by this company showing the preliminary location of its road along Copper River and vicinity.

In May, 1907, the Copper River and Northwestern Railway Company, and later the Alaska Petroleum and Coal Company, filed protests against the allowance of one of the terminal tracts of the Alaska Pacific Railway and Terminal Company on the main land, north of Whale Island, practically the point of beginning of operations of said company, which controversy has not yet been finally settled, and has been, probably, to some extent the cause of delay in meeting requirements of the act of 1898, necessitating the extension of the time asked for in this bill. Apparently the company is acting in good faith in this matter, and I see no objection to the proposed law.

The bill is herewith returned.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

Hon. E. L. HAMILTON,
Chairman Committee on the Territories, House of Representatives.

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60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 1146.

RIGHT OF WAY TO DELAWARE AND HUDSON COMPANY ACROSS PLATTSBURG BARRACKS RESERVATION, NEW YORK.

MARCH 3, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEVENS, of Minnesota, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5043.]

The Committee on Military Affairs, to whom was referred the bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, report the same back to the House with the recommendation that it do pass with the following amendments:

After the word "restrictions," in line 22, page 2 of the bill, add the words "and regulations."

After the word "prescribe," in lines 22 and 23, page 2 of the bill, add the words "from time to time."

This bill passed the Senate on February 26, 1908. A similar bill was introduced in the House of Representatives, being H. R. 11710. The same was referred to the Secretary of War for information and remarks and a copy of his report is as follows:

[Third indorsement.]

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, D. C., February 21, 1908.

Respectfully returned to the Secretary of War.

The within bill corresponds, word for word, with the draft of bill prepared by this Office, October 23, 1906, to obtain the authority of Congress to carry into effect a tentative agreement between Major Galbraith and the Delaware and Hudson Company, under which the said company is to release all rights it may have under the acts of Congress and instruments issued thereunder in consideration of the grant of an easement or servitude for right of way over the reservation, within limits described in said agreement.

The said draft of bill was, under date of January 28, 1907, submitted to the railway company; and, under date of June 17, 1907, Mr. C. S. Sims, its vice-president and general manager, replied that the bill was satisfactory to the company, and requested that it be transmitted to Congress, as suggested.

The proposed basis of settlement is believed to be favorable to the United States, and is satisfactory both to the military authorities and to the railway company. It is therefore recommended that the within bill be returned to the chairman, House Committee on Military Affairs, with recommendation that it be passed.

GEO. B. DAVIS,
Judge-Advocate-General.

[Fourth indorsement.]

WAR DEPARTMENT, *February 24, 1908.*

Respectfully returned to the chairman, Committee on Military Affairs, House of Representatives, inviting attention to the foregoing report of the Judge-Advocate-General of the Army, in whose views the Department concurs.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The report made in the Senate on this measure is Senate Report No. 219 of the present session of Congress, which it is not deemed necessary to reiterate in this report.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1168.

CHARGES AGAINST MEMBERS OF THE HOUSE.

MARCH 6, 1908.—Ordered to be printed.

Mr. DALZELL, from the Committee on Rules, submitted the following

REPORT.

[To accompany House Resolution No. 288.]

On the 20th day of February last Mr. George L. Lilley, a Representative from the State of Connecticut, introduced into the House a resolution calling for the appointment of a special committee of five Members of the House, to be appointed by the Speaker, "to investigate the conduct of the Electric Boat Company of New Jersey and their predecessors, the Holland Boat Company, respecting the methods employed by said companies in connection with passed or proposed legislation before Congress."

There was nothing on the face of the resolution that charged corrupt or even improper methods on the part of the company or companies in connection with legislation or proposed legislation. On the day succeeding the introduction of the resolution, however, an article appeared in the Washington Post which did charge the companies named in the resolution with corrupt practices, and which quoted an interview on the subject with Mr. Lilley, the author of the resolution. Thereafter numerous alleged interviews with Mr. Lilley appeared in certain newspapers of the country coupling the names of Members of the House with the Electric Boat Company and legislation in its interest.

Following upon these publications, Mr. Lilley at his own instance appeared before the Committee on Rules; admitted the authenticity of the interview in the Washington Post, but repudiated all others, and made a statement which is submitted herewith as part of this report.

In that statement charges are made of corrupt practices on the part of the Electric Boat Company influencing Members and legislation, and of such character, taken as a whole, as to lead your committee to conclude that it is due to the maintenance of the dignity and integrity of the House and its Members that an investigation into the charges made by Mr. Lilley should be had. They therefore recommend the adoption of the accompanying resolution.

APPENDIX.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Tuesday, February 25, 1908.

The committee met this day at 11 o'clock a. m. Present: Mr. Cannon, the Speaker, chairman; and Messrs. Dalzell, Sherman, Williams, and De Armond.

The SPEAKER. Mr. Dalzell, will you ask Mr. Lilley such questions as you have in mind?

Mr. DALZELL. Mr. Lilley, this committee has before it a resolution which you introduced, and the substantive parts of which I will read [reads]:

Resolved, That a special committee of five Members of the House be appointed by the Speaker to investigate the conduct of the Electric Boat Company of New Jersey and their predecessors, the Holland Boat Company, respecting the methods employed by said companies in connection with past and proposed legislation before Congress.

The rest of the resolution is simply to provide the machinery for the committee.

Now there is nothing in that resolution that charges corrupt or even improper methods on the part of the company or companies in connection with legislation or proposed legislation. The Committee on Rules has noticed certain publications in newspapers purporting to come from you; in substance that the activities of said company or companies have influenced corrupt action or proposed corrupt action of certain Members of the present House in connection with legislation. The Committee on Rules, you must understand, may not act properly without some tangible fact or facts in the premises.

Now, on behalf of the Committee on Rules, I ask you this question: Have you a statement to make on your responsibility as a Member of the House of facts showing or tending to show the corruption by said company or companies, or attempted corruption, of any particular Member or Members of the present House in his or their legislative capacity? And if so, what Member or Members?

STATEMENT OF HON. GEORGE L. LILLEY, A REPRESENTATIVE OF CONNECTICUT.

Mr. LILLEY. I have a statement prepared here that I should like to read to the committee.

Mr. DALZELL. Yes, if it is in answer to that question.

Mr. LILLEY. I think it is [reads]:

I propose to show that for several years prior to the Lessler investigation the Holland Company, and its successor, the Electric Boat Company, maintained in Washington an organized lobby for the purpose of influencing legislative appropriations in favor of the Holland boat, and that it had under annual retainer C. E. Creecy, Gen. Eppa Hunton, ex-United States Senator M. C. Butler, C. S. McNeir, Dr. W. R. Kerr, and others.

That for several years Mr. Elihu B. Frost, vice-president of the said company, has been a continuous visitor at Washington during Congressional sessions, and that he has spent large sums of money in furnishing entertainment to Members of Congress, and that his expenditures along this line amount to thousands of dollars.

That the Senate amendment to the appropriation bill of March 2, 1907, was prepared and drafted by the attorney for the Electric Boat Company, for the purpose of and with the intention to eliminate competition in submarine construction, and to prevent the Secretary of the Navy from exercising any discretion in awarding contracts for submarines.

Mr. DALZELL. What is that clause, please? Please read that over again.

Mr. LILLEY [reads]:

That the Senate amendment to the appropriation bill of March 2, 1907, was prepared and drafted by the attorney for the Electric Boat Company, for the purpose of and with the intention to eliminate competition in submarine construction, and to prevent the Secretary of the Navy from exercising any discretion in awarding contracts for submarines.

Further [reads]:

That a thorough investigation by an impartial committee will show that large sums of money have been, by the Electric Boat Company, its officers, or agents, contributed to campaign funds of Members of Congress who favor and have favored the Electric Boat Company's monopoly of submarine construction; also, that large sums of money have been spent to accomplish the defeat of members of the Naval Committee who did not favor the Electric Boat Company.

Mr. WILLIAMS. If it will not interrupt you, will you mind stating who those members are?

Mr. LILLEY. I do mind, sir [reads]:

That an examination of the books and records of the Electric Boat Company, and of its predecessor, the Holland Boat Company, will show that large sums of money have been paid from their treasuries for the above purpose.

That continued and repeated efforts have been made by representatives of the Electric Boat Company and its predecessor to influence the action of the officials of the Navy Department, and that such efforts in the past were so persistent and notorious as to call forth the condemnation and criticism of high officials of the Navy Department, whose testimony can be secured by an investigation committee.

That from 1893 up to the present time these efforts of the Electric and Holland Company have resulted in absolutely suppressing any possibility of competition in submarine construction, and securing and awarding of all contracts, either by specific appropriation or by legislative appropriations skillfully drawn, to this company without possibility of competition.

That it can be shown by former investigation before the Naval Committee of the House, upon which no reports were made to the House of Representatives that the Holland company and the Electric Boat Company have been engaged in doubtful and reprehensible efforts to influence Members of Congress and officials of the Navy Department in favor of their boats and appropriations therefor.

That it can be shown upon investigation that certain representatives of leading newspapers have been subsidized and paid by the Electric Boat Company for favorable newspaper articles and reports in behalf of the said companies.

It has never been held that evidence should be taken or submitted in advance to warrant Congressional investigation. Such a procedure would be investigation per se by the Committee on Rules. Such an investigation should be only undertaken by a committee specially appointed for that purpose, and before which committee witnesses could be examined, books and records produced, and all testimony presented.

If these things are not actually within the pale of the law, they are wrongful practices and tend to throw discredit upon the Congress of the United States.

Mr. DALZELL. Now, Mr. Lilley, the first thing you suggest there is that this company for a number of years has maintained a lobby here. Now, are you prepared to say that that lobby has influenced corruptly any Member of Congress in his legislative capacity?

Mr. LILLEY. I expect to prove wrongful methods.

Mr. DALZELL. What Members?

Mr. LILLEY. I do not care to state the names of the Members this morning.

Mr. DALZELL. Then you allege also that this company spent money for the purpose of electing Members of Congress. Of course you

must have some particular Members of Congress in mind. Who are they?

Mr. LILLEY. I do not care to give the names this morning of Members of Congress. I do not think it should be expected of me.

Mr. DALZELL. Then you suggest also that this company has spent money for the purpose of defeating Members of Congress. You must have some particular Members of Congress in view when you make that statement. Who are they?

Mr. LILLEY. I expect to prove that that has actually been tried.

Mr. DALZELL. You do not propose to tell us who they are?

Mr. LILLEY. I understand I am not called upon to try the case before this committee.

Mr. DALZELL. Well, of course, you know the Committee on Rules can not report in favor of a resolution in favor of an investigation on some vague statements as to the existence of facts upon which one man may draw one inference and another man another inference.

Mr. LILLEY. These are not vague statements. They have been constantly and continuously in the air for about fifteen years.

Mr. DALZELL. They are vague statements so long as you refuse to indicate who the particular parties are who have been influenced.

Mr. LILLEY. I shall be very glad to indicate as soon as this resolution is passed and the committee named.

Mr. DALZELL: You say that this lobby has been maintained here since 1893, if I recollect rightly your statement?

Mr. LILLEY: Yes, sir.

Mr. DALZELL: When did you come to Congress?

Mr. LILLEY: In 1903.

Mr. DALZELL: So that your charges relate back to ten years prior to your coming to Congress?

Mr. LILLEY: Yes, sir.

Mr. DALZELL: Those charges, of course, you can not make on your own personal knowledge?

Mr. LILLEY: I do not suppose there is an intelligent citizen who reads the papers in the United States who does not know about the methods that were being pursued here before I ever came to Congress.

Mr. DALZELL. I was going to ask you on what information do you base your charge covering ten years before you could have had any personal knowledge?

Mr. LILLEY. On what I had read of this company in the newspapers and what I know from Members serving on that committee before I came here: certain particular Members.

Mr. DALZELL. Which particular Members do you refer to now?

Mr. LILLEY. I do not care to indicate at this time.

Mr. DALZELL. Then that part of your charge is based on newspaper information?

Mr. LILLEY. No, sir; not altogether.

Mr. DALZELL. Partly newspapers and partly what you know from Members of Congress?

Mr. LILLEY. The Lessler episode occurred before I came to Congress.

Mr. DALZELL. Do you say what you know of Members of Congress before you came to Congress, or from Members of Congress?

Mr. LILLEY. From Members of Congress.

Mr. DALZELL. From whom, for instance?

Mr. LILLEY. I do not think I am called upon to give that.

Mr. DALZELL. Were they members of the Naval Committee?

Mr. LILLEY. Yes, sir.

Mr. DALZELL. Of what Congress?

Mr. LILLEY. The Congresses prior to the time I came here.

Mr. DALZELL. From 1893 down?

Mr. LILLEY. Not all of them.

Mr. DALZELL. Well, the result of the whole business is that you will not disclose to us the names of any parties whom you allege have been corruptly influenced. Will you give us the names of the parties, the individual men, who have attempted to corruptly influence Members of Congress?

Mr. LILLEY. I shall be very glad to go into this matter just as soon as this resolution is passed and the committee is appointed; and I assure you, gentlemen, that I am not talking on hearsay. I know my grounds, and I know that I can prove these things before a committee that means business.

The SPEAKER. Let me ask him right there: I just want to suggest a question: Do you allege corrupt action against Members of the present Congress?

Mr. LILLEY. I allege just what my document says. If these be corrupt practices, I allege those things that I have mentioned there.

The SPEAKER. Does it apply to Members of the present Congress touching business pending before the present Congress, or any committee of the present Congress?

Mr. LILLEY. It does.

The SPEAKER. You decline to state whom?

Mr. LILLEY. I decline to state the names of the Members at this time.

Mr. DALZELL. Will you state the names of individuals who have corrupted or attempted to corrupt Members of Congress?

Mr. LILLEY. They are using wrongful methods in most every Member's district who serves on the Naval Committee.

Mr. DALZELL. Can you give us the names of some?

Mr. LILLEY. I do not care to at this time. They will be called after this committee is appointed and we get a chance to operate.

Mr. DALZELL. In what way did they ever attempt to corrupt Members of Congress?

Mr. LILLEY. Well, while I do not care to mention the names of others I do not object to telling you an incident concerning myself.

Mr. DALZELL. Very well.

Mr. LILLEY. In the last Congress a large manufacturer from my town, an intimate friend, a man who would probably have as much influence with me as any man in my State, told me that he had the promise of a large order if I would vote for the submarines. At the same time there came down here a lawyer in politics who had been a member of the State committee and the town committee where I lived; was then; who probably had as much to do with my being in Congress as any man. He came here to Washington and stayed with me, and he was certainly employed by the Electric Boat Company.

Mr. SHERMAN. Worked for what?

Mr. LILLEY. He was employed by Mr. Frost, vice-president of the Electric Boat Company, who, he said, was a college classmate of his,

and that he was a splendid fellow and wanted me to meet him. He told me about the excellent qualities of Mr. Frost, and urged me to vote for his submarines.

He first had tried by getting the closest political influence to bear upon me that he could, and then a large business enterprise that employed thousands of hands. The same identical thing happened a very few days before the motion was made in our committee this year on submarines. A new manufacturer from the city of Bridgeport walked into my room over in the new building and told me that they were practically closed down, that they never needed an order so badly as they did now, that they had a promise of an order from the Holland or Electric Boat Company if he would vote me right on this proposition. I said, "What is the size of your order?" He said, "$20,000." I asked him what the profit was to them. He said, "About $2,000." "Now," I said, "let me see if I understand you correctly. You are asking me to vote three and one-half million dollars of other people's money, of which I am one of the trustees, for the sake of giving you a twenty-thousand-dollar order on which you are going to make $2,000 profit. Is that your proposition?" He sat and looked at me a few minutes and then said he did not like to have me put it that way. I repeated it to him, and I said, "If that is your proposition, I would prefer to pay you the $2,000 myself." That ended that interview. But an attorney came down here and stayed three or four days—the same one—and the morning that he went away he left a letter in my box at the New Willard containing a clipping from a Washington paper explaining that the Department had sent four submarines to Manila and expected others to follow, and urged on me the necessity of voting for a liberal number of submarines. I thought I had that letter here. No, it is up home.

This Electric Boat Company has been a stench in the nostrils of the country for years, and, in my opinion, it has done more to corrupt legislation than all the other corporations on earth. I think the membership of this House is of the very highest quality, and that they are the best men, usually, from the districts from which they come; but with a flock of 383 here, it would be strange if there were not some sheep in it that had the foot-rot or scabies. I think the disease ought to be eradicated before it spreads. I have no motive or animus in this at all, except in so far as I would like to see the business run on business lines and the selection of submarines left to experts, and not taken from the hands of the Navy Department and from the experts of the Navy, from men like Chief Constructor Capps, who I believe to be the best engineer in the world, and men like Admiral Converse, and taken absolutely out of their hands and dictated what boats shall be built, what companies shall have the contract, leaving them in a position to charge any price they choose. We have got to buy under the present bill that has passed the Naval Committee—we have got to buy obsolescent Holland boats and no other at whatever price they choose to charge. We have eliminated any chance to do business on business lines.

Mr. DALZELL. What other company is there, Mr. Lilley?

Mr. LILLEY. There are several, I understand.

Mr. DALZELL. Do I understand you to charge, Mr. Lilley, under the term of "corrupt practices," that money has been spent, paid to Members of Congress to influence their vote?

Mr. LILLEY. I do not claim that any money has been paid to bribe a Member of Congress. I do expect to prove that money has been contributed to campaign funds, which, morally, is no different from passing a bribe across a table in the committee room when we pass a vote. Morally, there is not a particle of difference, legally, there is.

Mr. WILLIAMS. Now, Mr. Chairman, I would like to ask Mr. Lilley this question: Mr. Lilley, in case the committee concluded to report this resolution favorably would you object to adding this language to it?——

And shall report upon the truth or falsity of the allegations in this resolution, and shall recommend to the House appropriate action to be taken by the House with regard to Members found guilty of corrupt practices, if any are shown to be thus guilty, or with regard to the mover of this resolution in case allegations herein contained against the honor and integrity of the House, Members of the House, and the House Committee on Naval Affairs are unfounded and unsustained by proof.

Mr. LILLEY. If you will submit that to me in writing I would like to think it over.

Mr. WILLIAMS. It is in writing.

Mr. LILLEY. I do not just know what that means. If you will give me a copy of it I will be glad to consider its meaning.

The SPEAKER. I would like to ask you a question, Mr. Lilley: You introduced the resolution, it seems—this resolution [indicating]?

Mr. LILLEY. Yes, sir.

The SPEAKER. That was introduced on a Thursday, was it not?

Mr. LILLEY. Yes, sir.

The SPEAKER. Your first call upon me touching this resolution, the first conversation we had about it, was on Saturday last, was it not?

Mr. LILLEY. I think so.

The SPEAKER. In the meantime you proceeded to be interviewed in the public press?

Mr. LILLEY. Well, Mr. Speaker, I had not introduced that resolution very many minutes, and I introduced it just about as the gavel sounded on Thursday, before the newspaper correspondents were around me like a hive of bees. I did not intend to give any interviews whatever, but finally I said, "I will dictate an interview to one of you gentlemen, provided he will submit it to me after he has typewritten it and"——

The SPEAKER. I am not speaking of that——

Mr. LILLEY. I did dictate an interview to Mr. Smith, of the Washington Post, and he submitted it to me at the New Willard that evening, and copies of that were given to other correspondents.

The SPEAKER. This interview, the substance of which is restated in the first statement alleging corrupt action on the part of the Members of the present House, or which purports to have been given out by you previous to your appearance before the committee, or any offer to appear before the committee——

Mr. LILLEY. If you had the particular interview which you have in mind more clearly identified I might answer. Some interviews have been written which were absolutely without the slightest foundation. I have given no interview except from my own dictation and correction afterwards when presented to me in typewriting. An interview did appear connecting the names of several gentlemen, who I believe

to be men of the strictest integrity; but that was an absolute fabrication.

The SPEAKER. I am not referring to any particular interview. I was merely desiring to see as to the fact, whether after you introduced this resolution, which upon its face is harmless—whether it is true that you then went into the newspapers by interview on your own motion or by suggestion on Thursday and Friday.

Mr. LILLEY. I had one interview on Thursday night, and none on Friday; and, Mr. Speaker, I tried to get hold of you on several occasions.

The SPEAKER. You did not "try" to me.

Mr. LILLEY. Yes, before I finally did see you on Saturday.

The SPEAKER. This room is always open. You came to see me Saturday afternoon, did you not?

Mr. LILLEY. I came to see you Saturday. I could not say whether it was Saturday morning or afternoon. On two or three different occasions I had hoped to get your ear, but found you busily occupied, and I thought I could wait.

The SPEAKER. You did wait until Saturday afternoon.

Mr. LILLEY. I did not get to you until Saturday afternoon, or sometime Saturday.

The SPEAKER. My recollection is that it was Saturday afternoon that you came to talk with me about this resolution. I am always in this room, save when I am in the House, substantially.

Mr. LILLEY. Well, Mr. Speaker, I have tried many times to get your ear, but I have found so many people on the same mission that I have been timid about coming in here.

The SPEAKER. That was a matter that existed in your own mind.

The SPEAKER. Well, Mr. Lilley, neither by writing or coming to me have you ever been turned down?

Mr. LILLEY. No, no; never.

Mr. SHERMAN. Your attention has been called to the alleged interview in the New York Sun of Saturday, February 22, has it not, Mr. Lilley?

Mr. LILLEY. Yes.

Mr. SHERMAN. And in the headlines it says, "Lilley accuses Sherman, of New York, of being in on the graft."

Mr. LILLEY. I did not say that.

Mr. SHERMAN. In my presence did you not tell the man supposed to have written that article that it was a lie, characterized by certain adjectives before the word "lie?"

Mr. LILLEY. I certainly did; and I told him the same thing as regards Mr. Williams and Mr. De Armond. It is almost too absurd to require contradiction.

Mr. DE ARMOND. And it referred also to Mr. Griggs?

Mr. LILLEY. Yes.

Mr. DALZELL. I want you to look at that Post and say whether that is the interview that you are willing to be responsible for [submitting copy of the Washington Post].

Mr. LILLEY [after examining same]. Yes.

Mr. DALZELL. That is the Post of what date?

Mr. LILLEY. Friday, February 21.

Mr. DALZELL. All right.

Mr. LILLEY. I can tell you, Mr. Speaker, what I said about that. It was to the effect that the Electric Boat Company had told the people who were striving to make that committee, that they had influence. I do not think there is any objection to my stating the name of one of the present Members who went on this year, but I would like to ask him. One of the Members that went on this year said that representatives of the Electric Boat Company came to him and said they had influence and could get him on the committee, and the man did get on the committee, although he told them at the time they said this to him that he did not care for any of their help. He is not one of the Members that voted for the motion, either.

The SPEAKER. To what Member do you refer?

Mr. LILLEY. I would like to ask the Member if he would object.

The SPEAKER. You say that one of the Members that went on the committee this year told you that——

Mr. LILLEY. Told me that one of the representatives of the Electric Boat Company came to him and told him he would like to help him, but he declined any of their assistance.

The SPEAKER. You do not care to state his name?

Mr. LILLEY. I do not think he would have any objection, but I should prefer to ask him.

The SPEAKER. Is that all, gentlemen? Is there anything else you want to ask Mr. Lilley?

Mr. SHERMAN. There is only one authentic interview, Mr. Lilley, and that is the one you have identified in the Washington Post of last Friday?

Mr. LILLEY. Yes, sir.

Mr. SHERMAN. Every other interview, or purported interview, was spurious? You have given no other interview save that one which you have identified?

Mr. LILLEY. There might have been two or three lines yesterday in regard to the Lord and Early matter.

Mr. DALZELL. You know the New York Sun interview?

Mr. LILLEY. Last Saturday?

Mr. DALZELL. Yes.

Mr. SHERMAN. He has already repudiated that.

Mr. LILLEY. Absolutely.

Mr. DALZELL. He denies, I understand, every interview except the Post interview?

Mr. SHERMAN. Up to yesterday?

Mr. DALZELL. Yes.

Mr. LILLEY. Yes. There were perhaps six or eight or ten lines of a statement that I made yesterday in regard to members of the press; Lord and Early, and others.

Mr. DALZELL. This is in the Lord interview:

"Were they all Republicans?" Mr. Lilley was asked. "Not by a long shot," he replied. "Every Democrat except two has been a friend of this company in season and out, and it has just as many friends among the Republicans. In fact, they are nothing more than so many traveling salesmen, and they know it."

Mr. LILLEY. That is not my interview.

Mr. SHERMAN. You made no statement such as that Mr. Dalzell has read?

Mr. LILLEY. No. The only one authentic interview—the others have been garbled——

Mr. SHERMAN. Or made out of the whole cloth?

Mr. LILLEY. Yes, or made out of the whole cloth.

The SPEAKER. Is there anything else you would like to ask Mr. Lilley?

Mr. SHERMAN. I would like to ask another question. As a matter of fact, you do not accuse me, Mr. Lilley, of "being in on the graft," do you?

Mr. LILLEY. I do not, sir. You can put that question in all the forms you want and submit it to me in writing or not, and I will make the same answer. You know very well I would not make any such statement as that; neither would I make it against Mr. De Armond or Mr. Williams or Mr. Griggs.

If I may have a copy of that I will be obliged to you.

[Article published in Washington Post, Friday, February 21, 1908, referred to by Mr. Lilley in his statement.]

Submarine Lobby—Representative Lilley accuses Electric Boat Company—Calls for investigation—Concern's representatives said to have influenced committee—Cutting down of battle ships from four to two and substitution of torpedo craft alleged to have been brought about by activity of company's agents—Lilley's resolution introduced after talk with President.

Following upon the action of the House Committee on Naval Affairs in recommending the construction of eight submarine torpedo boats of the *Holland* type, Representative Lilley, of Connecticut, a member of that committee, yesterday introduced in the House a resolution providing for the appointment of a special committee to investigate the methods of the Electric Boat Company, of New Jersey, and its predecessor, the Holland Boat Company, in securing legislation.

Mr. Lilley declared that undue influence had been brought to bear upon members of the committee, including contributions by the company to individual and party campaign funds, and that he was prepared to substaniate his charges before the Committee on Rules, to which his resolution was referred, or before an investigating committee, should one be appointed.

The resolution was introduced by him after a conference with the President at the White House earlier in the day. It is understood that no conclusion was reached at this meeting, except that it was agreed that Mr. Lilley should attack the position taken by the majority of the members of the Naval Affairs Committee and defend the recommendation of the Administration. The sensation which the resolution produced among Mr. Lilley's colleagues, both in the committee and the House generally, caused them to stand about in groups and discuss it. The author of the resolution said the Committee on Rules, of which the Speaker is chairman, would meet soon and decide whether to recommend an investigation.

TEXT OF THE RESOLUTION.

The resolution introduced by Lilley is as follows:

"*Resolved*, That a committee of five Members of the House be appointed by the Speaker to investigate the conduct of the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, respecting the methods employed by said companies in connection with past and proposed legislation before Congress; *Provided*, That said committee shall have the power to send for persons and papers, to examine witnesses under oath, and may employ a stenographer and one clerk, and shall report the result of its investigations to the House with such recommendations as it may deem proper: *Provided further*, The expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman."

The proposal of a Congressional investigation is an outgrowth of the refusal of the Naval Affairs Committee to follow the President's naval construction program. The President personally backed the Navy Department in its request for authorization of the construction of 4 battle ships, 10 torpedo-boat

destroyers, 4 submarines, etc. The committee cut the battle ships to 2 and raised the submarines to 8, and in connection with the latter craft adopted the Loudenslager amendment, providing that they should be of the type of the *Octopus*, unless a superior type should be offered and demonstrated by October 1, 1908.

THE CONTRACT PROVISION.

It was at once pointed out by the friends of the President's programme, among them Representative Hobson, of Alabama, and Mr. Lilley, that this provision practically delivered the contract to the Electric Boat Company, builders of the *Octopus*, because eighteen months is the time required to build a submarine, and the time limit of October 1 gave only eight months to build a competitive craft. Another effect of the amendment was to nullify the right gained by the Secretary of the Navy, in a court decision growing out of last year's submarine tests off Newport, to consider the lake type of boat as a competitor.

"Enough has come under my observation to know that an investigation into the methods of the Electric Boat Company of New Jersey, formerly the Holland Company," said Mr. Lilley, in explaining his resolution, "to convince me that a thorough and searching investigation would result in benefit to the country. The time has arrived when the power of the President, the Secretary of the Navy, and the naval board has been usurped by this company. The naval programme has been ignored, and they have instituted a programme of their own."

"What proof have you of this?" was asked.

"Well," he replied, "I point to the fact that the 4 battle ships recommended by the President were cut to 2 by the committee. The ammunition ship, scout cruisers, and a vessel to lay mines and torpedoes were cut out of the bill. The Secretary of the Navy's plan for improved submarines was voted down. Instead, double the quantity asked for by the Government—8 in number—were provided, but they are to be of the old *Octopus* type.

"The *Octopus* was finished some months prior to the *Vermont*, which is now admitted to be obsolete, owing to the vast improvements that have taken place since she was launched. A proposition to build our new battle ships after the plans of the *Vermont* would be just as reasonable and businesslike as to specify in the bill that future submarines should be built after the *Octopus* type."

"But you speak of the methods of the Holland people. What are they?"

ADEPTS IN LOBBY WORK.

"There are no tricks in the way of lobby work and influencing members that the Electric Boat Company are not adepts in. Sentiment is worked up in every conceivable manner. Attorneys have been hired, who have usually been influential politicians from the home districts of members of the committee. They have brought all sorts of pressure to bear on individual members, and even candidates have been brought into the field to contest the nomination of members who have opposed the company's policies. They have even gone so far as to find out what new Members of the House have applied for positions on the Naval Affairs Committee, and they have assumed to have influence in securing the assignment of members on that committee. It has also been said that they have contributed to individual and party campaign funds.

"A thorough investigation after the style of the investigations into the insurance companies in New York by a man of the Hughes type would throw a great deal of light on the subject. The methods I have mentioned and many others would be brought out in a searching investigation. By specifying the *Octopus* type in the bill competition for an improved boat is out of the question."

"Do you favor the Lake type of boat?" was asked.

"I do not," he replied emphatically. "Nor do I favor any particular type. I believe as every right-minded man must believe, that the type should be left to the judgment of naval experts and constructors and the distinguished members of the Naval Board, which includes the President, the Secretary of the Navy, and Chief Constructor Capps. It should not be left to men who are inexperienced in the building of vessels, who are influenced in favor of a particular type of submarine boat. I am in favor of a square deal, and my resolution aims to bring that about. If the Holland submarine boat has merit, why not let it stand on its own bottom?"

COMPANY ISSUES STATEMENT.

After the news of the resolution had spread throughout the Capitol, a representative of the company attacked by it gave out the following statement:

"The Secretary of the Navy, in his last annual report, recommended an appropriation for submarine boats of the same type as those which were superior in the Newport trials of last spring, provided a more satisfactory type was not developed. The Committee on Naval Affairs, heeding this recommendation, made an appropriation for these boats, in practically the language of the Secretary's recommendation. Representatives of the Electric Boat Company declare that Mr. Lilley supported an appropriation for a large number of these boats at last session, but that since that time the Lake boat, whose headquarters are in Mr. Lilley's State, failed in the Newport trials, and they assert that Mr. Lilley, after having fought unsuccessfully a provision for submarine boats, in the language of the Secretary's recommendation, is now, through a resolution of the House containing charges of misconduct, merely attempting to nullify the committee's action, and that this is all he hopes to do.

"In the Naval Committee members are thoroughly familiar with this unending strife over submarine boats and with the reckless charges instigated by losing competitors. The company has no fear of the result of any investigation anywhere. This desire to investigate is always manifested after a losing committee fight."

MR. LILLEY INDIGNANT.

When Representative Lilley's attention was called to this statement he became indignant. He dictated the following reply:

"That statement is merely a subterfuge and wholly misleading. It is along the lines of the company's past attempts to deceive the public. I should be entirely satisfied if the bill followed the same language it followed a year ago, leaving the matter in the hands of the President, the Secretary of the Navy, and the naval board.

"I am ready at the earliest moment to vote for the submarine programme as laid down by the Administration; that is, four boats, and the type to be determined by the experts in naval construction, namely, the naval board, and not by the majority of the committee. I do not object to a reasonable appropriation for submarines, and I do not care what type, but I do object to the Holland Company usurping the power of the President and his advisers.

"If the company has no fear of an investigation, as it declares in its statement, let us have a thorough one. The fact that Mr. Lake lives in the State of Connecticut has no weight with me. I should pursue the same course if he lived in the Philippines. All I ask is that the building of the boats be left with experts."

HOW THE MEMBERS VOTED.

Those on the committee who are understood to have voted against the appropriation for the Holland submarines are Representatives Foss, Lilley, Olcott, Padgett, and Hobson, the last two being Democrats. The other fourteen members of the committee, thirteen of whom voted for the appropriation, are Representatives Loudenslager, Butler, Mudd, Roberts, Loud, Bates, Thomas, Dawson, and Ellis, Republicans, and Meyer, Kitchin, Gregg, Talbott, and Lamar, Democrats. Mr. Meyer is understood to have been out of the city when the vote was taken.

Several members of the committee were interviewed in regard to the resolution introduced by Mr. Lilley.

When Mr. Roberts, of Massachusetts, was shown the resolution he said:

"In other words, he charges that the Holland Electric Boat Company controls the House Committee on Naval Affairs, and forces it to give more submarines than the Secretary of the Navy asks for. I believe any intelligent man who is acquainted with the facts in the case will laugh at such a charge. There is not a man on the Naval Affairs Committee who would not gladly have voted for four battle ships asked for, but we decided that conservatism would bring the best results in a year such as this, when we are said to be facing a huge deficit. I am told that a determined fight is to be made even on the two battle ships recommended, and I should not be at all surprised to see the House bill give only one battle ship.

"The price of two battle ships is about $18,000,000, and for the price of one ship we can build 27 submarines, or thereabout. So in cutting off $18,000,000 from the estimates, a majority of the members of the committee considered that it would be only fair to increase the number of submarines, the need of which is great.

CHARGE DECLARED RIDICULOUS.

"The charge that a combination of submarine men defeated the four battle ship plan is ridiculous, from the fact that there were four different submarine propositions voted on by the committee, and on each of these the vote was so different as to make the talk of a combination foolish. Every man who voted in the committee for two battle ships will gladly vote for four if it is found that there is any sentiment in favor of the four on the floor of the House. I am told, however, that Mr. Tawney, of the Appropriations Committee, expects to fight a recommendation for any battle ships at all. If the charges made by Representative Lilley are specified, I, for one, will be glad to see the matter given the widest publicity, but the resolution in its present form is too intangible."

Other members of the committee expressed themselves as follows:

Representative Dawson, of Iowa: "I have nothing to say at this time."

Representative Gregg, of Texas: "I do not know what this resolution is directed at, and I do not know of any improper methods used by anybody in connection with this legislation, or any other legislation for that matter. If any improper methods have been employed, they ought to be known by all means."

Representative Talbott, of Maryland: "If there is anything wrong or improper, as Mr. Lilley's resolution would seem to suggest, let it be investigated at once. I never heard of anything improper, either regarding this legislation or any other."

Representative Loudenslager, of New Jersey: "There will be no objection from me, and I do not suppose there will be any from anybody else, to the investigation proposed by this resolution. I don't know anything about it."

Representative Bates, of Pennsylvania: "I have never heard of this resolution before and do not know anything about it. I understand the clause in the naval bill concerning submarines follows the language of the Secretary of the Navy in his annual report."

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1169.

EXTENSION OF TIME FOR COMPLETION OF LINES OF EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Michigan, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 12438.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12438) extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company, report the same back to the House with the recommendation that it do pass when amended as follows:

Add at the end of line 5, page 1, the following proviso:

Provided, That within one month after the approval of this act the said East Washington Heights Traction Railroad Company shall deposit with the collector of taxes of the District of Columbia the sum of one thousand dollars to guarantee the construction of said railway within the time herein limited. If this sum is not so deposited this act shall be void; if this sum is deposited and the said railroad company shall fail to construct and have in operation at least one mile of track in addition to that now in operation within the time herein prescribed, said sum shall be forfeited to the District of Columbia and this act shall be void.

The bill as originally introduced and referred to this committee was submitted to the Commissioners of the District of Columbia for examination and report before consideration by the committee. The amendment above recommended was suggested by the Commissioners, in view of the extensions of time which have been heretofore granted in the premises and it is entirely satisfactory to the company. The circumstances of such extensions and the reasons for the proposed further extension are set forth hy the Commissioners in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 29, 1908.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 12438, Sixtieth Congress, first session, "Extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company," which you referred to them for examination and report.

The original charter of the East Washington Heights Traction Railroad Company was granted by act of June 18, 1898, the road to be completed within two years from the date of the passage of the act. Extensions of time have since been granted by

acts of April 30, 1900; July 1, 1902, and April 26, 1904, the last extension being for a term of eighteen months from the passage of the act, and providing that at the expiration of the said period the franchise should be void for such lines, and for only such lines, as had not been constructed. Prior, however, to the expiration of this period the portion of the line had been constructed, of about three-fourths of a mile in length, running from the western end of the Pennsylvania Avenue Bridge across the said bridge to a point just beyond Minnesota avenue, and since the construction of this line a service which is believed to be entirely satisfactory to the people living in Randle Highlands and Twining City has been given by this company.

The purpose of the within bill is to revive or extend such portions of the franchise as were allowed to lapse by the failure to construct within the period prescribed in the act of April 26, 1904. There seems to be no objection to this extension and the Commissioners recommend favorable action, but believe that some forfeiture should be imposed for failure to construct at least a portion of the line for which the franchise extension is asked. They have therefore to suggest an addition to the bill, as shown on the amended copy submitted herewith, which provides for the deposit of $1,000 by the company prior to the beginning of the work of construction and the forfeiture of this $1,000 upon the failure of the company to build and operate at least 1 mile of road within the time of extention called for in the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1170.

EXTENSION OF NEW YORK AVENUE TO BLADENSBURG ROAD.

MARCH 6, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 17297.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 2, line 11, the comma and the word "one-half."

Strike out of page 2, line 12, the words "and one-half."

Strike out of page 2 the entire line 13.

Strike out of page 2, lines 19 and 20, the words "and the United States in equal parts," and insert a period after the word "Columbia" in line 19.

The several amendments made to this bill are such as to make it correspond with the usual form of bills recommended by this committee for the widening or extension of streets, where the entire cost and expenses are to be assessed as benefits. No part of such expense falls upon the United States, and the entire expense, paid primarily from the revenues of the District of Columbia, is repaid from the assessments for benefits, in five equal annual installments, with interest at the rate of 4 per cent per annum, as provided by section 491 j of the District Code.

The Commissioners of the District of Columbia recommended the proposed extension, giving the reasons therefor very fully in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 12, 1908.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a bill which they have prepared, contemplating the extension of New York

avenue NE. from the east boundary line of the railroad company's holdings at about Fourth street east to Bladensburg road, and to forward with it the accompanying plat, showing the lines of the proposed extension.

The present terminus of New York avenue is at the east end of a large masonry bridge now partially completed over the railroad tracks, just south of Eckington, this bridge having been built under the provisions of an act of Congress approved February 12, 1901.

A large section of the District, comprising the northeastern corner of Eckington and the territory northeast thereof, lying south of Rhode Island avenue, southeast of Montana avenue, and north of the large railroad yards, is now cut off from access to the District, except by way of Rhode Island avenue and the T Street Bridge, the former requiring a wide detour, and the latter being a structure now nearly completed under the provisions of the act of Congress above referred to, but with a steep approach east of Fourth street. The proper future line of approach to this territory is by way of Twelfth street and Ninth street to New York avenue.

Further than this, the large territory south of New York avenue along the entire frontage of the railroad yards will undoubtedly soon be developed as auxiliaries to those yards and a highway will be needed for the people building in this section. The Commissioners believe that the condemnation of this main avenue to a point at least as far as the Bladenburg road, with such deviation as conditions may demand northeast of Montana avenue, is necessary, and they have prepared this bill as the first step looking to this development, and recommend its early enactment into law.

The estimated cost of the land for this entire extension is about $100,000, and it is believed that the entire cost should be assessed by the jury as benefits, as provided in the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1171.

ESTABLISHMENT AND MAINTENANCE OF PRIVATE HOSPITALS AND ASYLUMS IN DISTRICT OF COLUMBIA.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. OLCOTT, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 17305.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 6, the words "so to do," and insert a period after the word "District" in said line.

The purpose of the proposed legislation is to render more complete and effective certain provisions relative to private hospitals contained in a proviso to the act of March 2, 1895, making appropriations for the expenses of the government of the District of Columbia. This legislation was recommended by the Commissioners of the District in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 15, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia," and recommend its early enactment.

The act making appropriations to provide for the expenses of the government of the District of Columbia approved March 2, 1895, provides, among other things, as follows:

"*Provided*, That hereafter no other building for use as a public or private hospital for contagious diseases shall be erected in the District of Columbia within three hundred feet of any building owned by a private individual or any other party than the one erecting the building. All private hospitals in the District of Columbia shall be required to secure a permit from the Commissioners of the District of Columbia, and said hospitals shall be at all times subject to inspection by the health officer of said District or his deputy, and any person or persons refusing to permit such inspection shall each be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each of such refusals."

It will be observed that although the Commissioners are directed by the above legislation to require all private hospitals in the District of Columbia to obtain permits, yet no means are provided to enable the Commissioners to do so, nor are any

conditions specified as necessarily precedent to the issue of a permit. Moreover, no provision is made for the revocation of such permits as may be issued. In the judgment of the Commissioners, this legislation in its present form fails to accomplish the purpose for which it was obviously designed, and therefore should be repealed or be so amended as to make it efficient.

If the inclosed draft of bill should be enacted, it will bring private hospitals and asylums in this city under the supervision and control of the Commissioners, as it was apparently the intention of Congress to do when it adopted the proviso set forth above.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

This measure is in line with advanced legislation in most of the States of the Union.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1172.

AMENDMENT OF ACT EXTENDING MERIDIAN PLACE NW.

MARCH 6, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3416.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place northwest," approved January 9, 1907, report the same back to the House with the recommendation that it do pass.

The purpose of the proposed legislation is to permit the Commissioners to make the extension of Meridian place NW. on a curved line instead of in a straight line, as contemplated in the act approved January 9, 1907. This will obviate the necessity of the destruction of some permanent improvements, which would make the expense of acquiring the land necessary much greater than in the proposed legislation.

H. R. 12408, identical with the one herewith reported, was submitted to the Commissioners of the District of Columbia for examination and report, and they approved the same, as appears from the following paragraph in their communication of January 16, 1908:

> The act for the extension of this street was passed about a year ago and was believed to be in proper form, but a survey since its passage has shown that to extend it along a straight line will involve the destruction of some valuable improvements and will give a location of the street not so well suited to abutting property as would be the case were the Commissioners authorized to make the extension on a curved line, as is contemplated by this bill.

The following shows how the act of January 9, 1907, will read if the amendment proposed in this legislation is made:

> That under and in accordance with the provisions of sections four hundred and ninety-one a to four hundred and ninety-one n, both inclusive, of subchapter one of chapter fifteen of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Meridian place northwest from its present terminus east of Center street, Mount Pleasant, to Fourteenth street northwest, with a width of fifty feet, along such line as said Commissioners shall deem most advantageous.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1174.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

MARCH 6, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HALL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14410.]

The Committee on the Public Lands having had under consideration a bill (H. R. 14410) to create an additional land district in the State of South Dakota, report the same back with the recommendation that the same do pass.

The reasons requiring the creation of this new land district are as follows:

Within the last year the Chicago, Milwaukee and St. Paul Railroad has been extended from the east across the Missouri River at Mobridge, near Evarts, in the north central part of the State of South Dakota, extending west through the proposed land district. The extension of this road was followed by rapid settlement on the public lands in the western part of the State, nearly 350,000 acres of public land having been entered by settlers in Butte County during the fiscal year ending June 30, 1907. At present this territory is included in the Rapid City land district. Rapid City is in the southwestern part of the State and a distance of 223 miles from the northern boundary of the proposed new district, and by reason of lack of railway facilities settlers are required to travel from 100 to 223 miles overland across rough country and streams to reach the land office. This inaccessibility not only causes great inconvenience to the settlers, but frequently results in complications as to the priority of entries made through commissioners. A large area of land remains in this district yet to be settled.

Following is a copy of a communication from the Secretary of the Interior in relation to Senate bill 4132, of which this bill is a duplicate, and the same is hereby made a part of this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 25, 1908.

GENTLEMEN: I have received by your reference Senate bill 4132, entitled "A bill creating an additional land district in the State of South Dakota," with request that the committee be furnished with such facts and information as may be in the possession of the Department relative to the subject-matter of the proposed legislation.

The additional land district proposed to be established is located in the extreme northeastern part of the State, and the lands embraced therein form, with the exception of those within Schnassee County, the extreme northern part of the Rapid City land district, which district is comprised of all that portion of the State west of the one hundred and second degree of longitude west from Greenwich, and is, approximately, 204 miles in length from north to south. The land office at Rapid City is located about 81 miles north of the south boundary of the State and about 223 miles south of the north boundary. There is no railroad communication with Rapid City from the north half of the district nearer than Belle Fourche, about 50 miles northwest from Rapid City, thus necessitating long and tedious travel by wagon road on the part of settlers from the northern part of the present district who, from necessity or desire, may be required to visit the land office. The establishment of the new land district would bring the settlers into close communication with the land office, which the bill locates at Lemmon, to which point, this office is informed, the Chicago, Milwaukee and St. Paul Railway has extended its line.

The greater portion of Butte County is embraced within and forms, with Schnasse County, the proposed land district, and it appears from the records of the General Land Office that there were nearly 350,000 acres of public land entered by settlers in that county during the fiscal year ended June 30, 1907, thus showing rapid settlement in that portion of the State.

Schnasse County, which forms the eastern part of the proposed land district, is wholly within the Cheyenne River and Standing Rock Indian reservations, and there are no public lands therein.

In view of the foregoing, this Department has no objection to interpose to the proposed bill being enacted into law. A section of the map of South Dakota showing the boundaries of the Rapid City and the proposed land districts is transmitted herewith.

Very respectfully,

JAMES R. GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1179.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PORTLAND, ARK.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17510.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17510) to construct bridge across Bayou Bartholomew, Ashley County, Ark., at Portland, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

Amend the title as follows:

In line 1, after the word "To," insert the words "authorize the county of Ashley, in the State of Arkansas, to."

In line 1, after the word "construct," insert the letter "a."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 27, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 17510, 60th Cong., 1st sess.) to authorize the construction of a bridge across Bayou Bartholomew at Portland, Ark., is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 28, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1180.

BRIDGE ACROSS BAYOU BARTHOLOMEW, AT WILMOT, ARK.

MARCH 6, 1908.—Referred to the House Calendar and ordered to printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17512.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17512) to construct bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

Amend the title as follows:

In line 1, after the word "To," insert the words "authorize the county of Ashley, in the State of Arkansas, to."

In the same line, after the word "construct," insert the letter "a."

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 27, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 17512, 60th Cong., 1st sess.) to authorize the construction of a bridge across Bayou Bartholomew at Wilmot, Ark., is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 28, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1181.

AUTHORIZING APACHE COUNTY, ARIZ., TO ISSUE BONDS.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 3963.]

The Committee on the Territories, to which was referred the bill (H. R. 3963) ratifying the act of the legislative assembly of Arizona, approved February 13, 1905, authorizing the county of Apache to issue bonds in the sum of $15,000, to build a court-house at St. Johns, in said county, having considered the same respectfully report:

Some doubt existing as to whether Apache County under the limitations of what is commonly known as the Harrison Act could legally issue bonds for any purpose, and the county standing in sore need of a court-house, appealed through its representative in the legislature for relief. The legislature passed the bill and prescribed in the act that it should take effect on approval by Congress, and this bill ratifies the said act. No charge on the Federal Treasury is made. The passage of this act will cause said bonds to sell readily, and give the people of Apache County the relief so much desired.

Your committee can see no objection whatever, and unanimously recommend the passage of the bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1182.

ISSUE OF PATENTS TO BOARD OF MISSIONS OF PROTESTANT EPISCOPAL CHURCH FOR LANDS ON FORT HALL RESERVATION, IDAHO.

MARCH 6, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWELL, of Utah, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 17005.]

Your committee have had under consideration H. R. 17005, authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho, and report the same back with certain amendments, and as so amended recommend that the bill do pass.

Amend by striking out the preamble.

Amend by striking out lines 3 and 4 on page 2.

The bill, with certain proposed amendments, has the approval of the Secretary of the Interior, as will appear from his letter upon the bill, and which is made a part of this report.

The grant of these lands has been approved by the Indians of the reservation, and in view of this the committee believe that it will not be necessary to refer the grant to the Indians subsequent to the passage of the bill, as recommended by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1908.

SIR: I am in receipt, by your reference of February 19, 1908, of a copy of H. R. 17005, entitled, "A bill authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho." You request a report thereon for the information of the committee.

The bill authorizes the issuance of a patent in fee for the SE. ¼ of sec. 36, T. 4 S., R. 34 E., Boise meridian, containing 160 acres, and then provides, "That the lands so granted shall perpetually be used for religious and educational purposes."

On February 13, 1908, I reported to Hon. Moses E. Clapp on S. 4916, authorizing the issuance of a patent in fee to the missionary organization named for the land described. That bill provided for a patent in fee and did not contain the conditional

clause providing that the land should be used perpetually "for religious and educational purposes." In that report I said:

"In view of the benefits the church has rendered the Indians of the reservation named and of the large amount of money expended for their benefit by that religious organization, it seems that title in fee to the mission tract should be given as indicated.

"As the title to the reservation is still in the Indians, properly belonging thereto, I would suggest that provision be made in the bill for obtaining their consent to granting title in fee to that quarter section of land described. This might be done by adding to the bill, after the word 'Reservation,' in line 12, the following:

"'*Provided*, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.'

"With the amendment as suggested I would favor the enactment of the bill into law."

Concerning H. R. 17005 I would recommend, in view of the great equity in the case, as shown, that it be amended by striking out lines 3 and 4 on page 2 and inserting in lieu thereof the above quoted amendment, which was recommended to S. 4916.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1184.

DISPOSAL OF INTERESTS OF INDIAN MINORS IN REAL ESTATE IN YAKIMA RESERVATION, WASH.

MARCH 6, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HACKNEY, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 18617.]

The Committee on Indian Affairs, having had under consideration a bill (H. R. 18617) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., submit the following report and recommend passage of said bill without amendment.

This bill has the approval of the Indian Office and is in line with the general policy recommended by the Department of the Interior. It is especially important that legislation of this kind shall pass affecting the lands of the Yakima Indian Reservation. There are about 125,000 acres of land in this reservation allotted to Indians that it is expected to reclaim under a Government irrigation project. These lands are desert in character and will not produce crops without irrigation. A great many of the allotments belong to Indian minors and it has been found impossible and impracticable to have their estates looked after by the probate courts.

No one desires to act as guardian for them and, furthermore, the provisions of the State law with reference to the administration of the estate of minors conflicts very radically with the regulations of the Department and the manner of handling the funds belonging to the Indians which the Department deems for their best interests. The procedure in the probate courts is also very expensive and complicated, and it is deemed highly important that they should be as simple and inexpensive as possible. These lands are of such a character that the minors can not make anything out of them, but they can be sold for a good price to white settlers, and this will enable the Government to proceed with the reclamation of the lands; otherwise they will lie idle and unproductive for an indefinite time. If the lands can be sold the proceeds can be used for the education and comfort of the Indian, and if general legislation can not be passed your committee very strongly recommend the passage of this bill by reason of the special and peculiar conditions existing in regard to this reservation.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1185.

AUTHORIZING GILA COUNTY, ARIZ., TO ISSUE BONDS.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 3962.]

The Committee on the Territories, having had under consideration the bill (H. R. 3962) authorizing Gila County, Ariz., to issue bonds for completion of court-house and jail, reports the same to the House with the recommendation that it pass.

The twenty-fourth legislative assembly of the Territory of Arizona, by act passed March 5, 1907, authorized the county of Gila, through its board of supervisors, to issue bonds in the sum of $25,000 for the completion and furnishing of the court-house and jail for said county and vaults for the preservation of the county records, deeds, and other evidences of title. The act of the legislature safeguards the funds to be derived and makes the proper provision for the payment of interest as it falls due as well as for a sinking fund to pay the bonds at maturity.

The county of Gila has doubled in population, and the town of Globe, the county seat, has grown into a busy city of nearly 10,000 population. It is very necessary that the court-house should be finished and safe vaults constructed for the preservation of the public records. The act of the legislature in terms provided that the act should take effect on being approved by Congress. This provision was made necessary by the limitations contained in what is generally known as the "Harrison Act." The accompanying bill simply approves this act of the legislative assembly. There is no charge on the Treasury of the United States.

Your committee sees no reason why the county should not be empowered to build from its own money public improvements essential to its use, and preserve its records from hourly danger of destruction.

Amend the bill by striking out section 6, as being surplussage, and with such amendment your committee recommend its passage.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1186.

SAFE TRANSPORTATION IN INTERSTATE COMMERCE OF EXPLOSIVES, ETC.

MARCH 6, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17228.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, report back the same and recommend that the bill be amended by striking out all of section 2 and inserting a new section to read as follows:

SEC. 2. That within ninety days from the passage of this act the Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, and said regulations shall be binding upon all common carriers engaged in interstate commerce which transport explosives by land, and violations of them shall be subject to the penalties hereinafter provided. The Interstate Commerce Commission, on its own motion or upon application made by any interested party, may make changes or modifications of the regulations for the safe transportation of explosives, made desirable by new information or altered conditions, and such changed regulations shall have all the force of the original regulations. The regulations for the safe transportation of explosives referred to in this section shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. The regulations for the safe transportation of explosives shall take effect three months after their formulation and publication by the Interstate Commerce Commission, and shall be in effect until reversed, set aside, or modified.

Amend section 4 by striking out after the words "Section 4," the word "That" and inserting in lieu thereof the words "Every package containing explosives or other dangerous articles, when presented to a common carrier for shipment, shall have plainly marked on the outside thereof the contents thereof and."

Amend section 6 by adding thereto the following "Except section 4422 of the Revised Statutes of the United States, which shall remain in full force and effect." As thus amended the committee recommends that the bill do pass.

The triple purpose as sought by this bill is to regulate the transportation of dangerous explosives, to require an honest marking of packages containing such explosives (in other words, to prevent deceit) and thirdly, to repeal certain statutory provisions which it is claimed changed conditions have made more or less obsolete. The section which it is expressly provided shall not be repealed, is as follows:

Upon the application of any master or owner of any steam vessel employed in the carriage of passengers for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry, as freight, within such chest, safes, or compartments, the article of gunpowder.

The object of this is not to prevent the shipment by water in small vessels, where such vessels are practically the only means of transportation from point to point.

The committee had full hearing upon the general subject covered by the bill. No one appeared in opposition thereto. In this hearing the fact was developed that there was manufactured annually in this country, in round figures, 207,000 tons of explosives, some portion of which being manufactured in every State and Territory of the Union. Pennsylvania manufactures the greatest amount of dynamite and black powder, Michigan coming second in dynamite, and Illinois in black powder. It appeared that efforts had been made for some time to induce railway carriers in this country to agree upon regulations. These efforts had been successful to the extent that the American Railway Association has formulated rules covering the subject and these rules are favorably regarded in both Canada and Mexico.

Your committee believes that the safety, not alone of the traveling public and railway employees, but of all persons living in proximity to the line of the carrier transporting these explosives, would be subserved by the adoption of uniform rules based upon the fullest possible knowledge and most modern experience.

Your committee therefore recommends the passage of the bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1187.

ISSUE OF PATENTS IN FEE TO PURCHASERS OF INDIAN LANDS.

MARCH 6, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SAUNDERS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 17717.]

The Committee on Indian Affairs, having had under consideration a bill (H. R. 17717) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, submit the following report and recommend the passage of said bill without amendment:

This bill was prepared by a subcommittee after a full hearing before the committee of the Commissioner of Indian Affairs on H. R. 12419, introduced by Mr. Jones, of Washington, and is a substitute for said bill. The bill does not change existing law relating to the sale of Indian lands, but does simplify and make more certain the formalities to be observed in making title to the purchasers in cases where the law permits sale. If the bill is passed, there will be no doubt about the title secured when sales are made, and the interests of minors and others legally incapacitated, will be safely guarded without the cumbersome, expensive and unsatisfactory proceedings now necessary in local courts. Experience has shown that it is almost impossible to secure the proper administration of the estate of a minor Indian. No one desires to act as the guardian of such Indian under the regulations of local laws. There is also much conflict between local laws and the regulations of the Department.

Under this bill the lands of the minor, or person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold under regulations and upon terms and conditions prescribed by the Secretary on the petition of the natural guardian, or in the case of the noncompetent, or minor without natural guardian, on the petition of some person designated by the Secretary. In this way the interest of the minor will be fully protected, and his property administered with comparatively little expense.

The bill also provides that, when an Indian dies before the expiration of the trust period, the Secretary shall ascertain the legal heirs, and either issue patent in fee simple to them, if fully competent to manage their own affairs, or the land may be sold upon petition. For

the purpose of passing title the action of the Secretary in determining the legal heirs is made conclusive and final. This removes all doubt as to the title secured at such sale, and the result will be better prices for the land disposed of. There is nothing in the bill to prevent any Indian claiming to be the heir of any deceased person from asserting his claims to the proceeds of such sale.

It is further provided in the bill that the proceeds derived from sales shall be under the supervision of the Commissioner of Indian Affairs until the expiration of the trust period. As the law is now, the Secretary may authorize all Indian allottees to sell their allotments, but the only way to proceed is to issue to the Indian a fee-simple patent to his allotment, and the Department has no further control over it. The result is that strong proof must be presented, showing the capacity of the Indian to handle the proceeds of his allotment, before patent is issued, and but few sales are allowed to be made. Under this provision the Secretary may allow the Indian to sell, if it is deemed best, even though he may not be certain of the competency of the Indian to handle the proceeds, because the Secretary can supervise and use the proceeds for the benefit of the Indian during the period now provided by law within which the Indian may not sell.

Another important feature is, that the purchaser at any sale takes his title directly from the Government, rather than from the Indian himself. This makes the title better, and will result in benefit to the Indian, as well as secure title to the purchaser.

The reasons for this legislation are clearly set forth in the letter from the Secretary of the Interior of December 9, 1907, printed as Senate Document No. 61, first session Sixtieth Congress, in which the Secretary says:

The law authorizing the sale of Indian lands, inherited or otherwise, is covered by a number of acts, the effect of which has been very unsatisfactory. They do not work to the best advantage, either of the purchaser or of the Indian who owns the land or the use of it. Practically all the legislation now in the statutes provides that a conveyance shall be made by the Indian heir, or allottee, and that the conveyance, when approved by the Secretary of the Interior, shall convey the fee. All the acts provide that the conveyance and sale shall be made under regulations and on terms and conditions to be prescribed by the Secretary of the Interior, yet the formalities to be observed in the conveyance of these lands are cumbersome and oftentimes deter the prospective purchasers from offering as much for the lands as they would give if the character of the title and the manner of sale were simplified, or at least made to comply more nearly with the usual conveyance of title and the methods observed in transferring land from the United States.

I am of the opinion that it would be to the best interests of everyone if all the acts relating to the sale of lands, inherited or otherwise, were modified and a measure passed changing the procedure in all cases where the present law permits the sale of lands and providing that the purchaser shall have a patent in fee simple from the United States, rather than an approved deed from the allottee or the allottee's heirs. I would simplify as much as possible the formalities to be observed in conveying the lands of minors, insane, and mentally incompetent persons, and make it apparent to all concerned that the conveyance was valid and free from any objection. I do not believe it to be good policy or wise law to terminate the trust of the United States by the sale of the allotted lands, but do believe that the trust affecting the lands should be allowed to follow the funds arising from the sale, to be conserved for the use and benefit of the Indians.

The inclosed draft of a bill, if enacted into law, would make possible the changes which I have suggested and would be to the benefit of the Indian grantor, as well as to his grantee, and would obviate any doubt that might exist as to the validity of title conveyed when the lands of deceased or noncompetent Indians are sold under authority of existing law.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1189.

AMENDING AN ACT OPENING TO SETTLEMENT THE FLATHEAD INDIAN RESERVATION IN THE STATE OF MONTANA.

MARCH 7, 1908.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. HACKNEY, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 3640.]

The Committee on Indian Affairs, having under consideration the bill (S. 3640) to amend sections 9 and 14, Chapter 1495, of the Statutes of the United States entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana and the sale and disposal of all surplus lands after allotment," report the same back with amendments, with the recommendation that the same as amended do pass. The amendments are as follows:

On page 4, line 6, strike out the word "sixty," and insert in lieu thereof the word "forty."

On page 5, strike out all of lines 12 to 22, inclusive, and insert in lieu thereof the following:

The land irrigable under the systems herein provided which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

On page 5, line 24, before the word "land," insert the word "unallotted."

On page 6, line 5, after the word "Interior," strike out the remaining part of line 5, and also strike out all of lines 6, 7, 8, 9, 10, and 11.

On page 7, at the end of line 11, insert the following words:

Provided, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of the irrigation system.

The reasons for the proposed legislation may be briefly stated as follows: The Fifty-eighth Congress passed an act allotting to the Indians of the Flathead Reservation in Montana their lands in severalty, and provided for the sale of the surplus lands. Under the original act the Secretary of the Interior, as trustee, was authorized to use one-half of the proceeds from the sale of lands in the construction of irrigation systems on this reservation. Recent surveys made under the direction of the Secretary of the Interior have developed the fact that a large portion of these lands can be successfully and cheaply irrigated. Appropriations have been made by Congress for the preliminary irrigation work, and the pending Indian appropriation bill carries an additional sum for the completion of the survey and the beginning of the construction work. The moneys expended by the Government, however, are to be reimbursed out of the proceeds of the sale of the land. The provisions of this amendment give the Secretary the right to use all the proceeds of the sales until the irrigation systems have been constructed, the remaining moneys to be divided among the Indians as provided in the original act.

The provisions of the original act were found also to be insufficient to provide for the apportionment of the cost of the construction of the irrigation system to the various tracts of land and also to provide for the apportionment of the cost of operation and maintenance of the system after its completion. By the terms of this act the lands which may be allotted to the Indians will not be charged with any of the cost of the construction of the irrigation system, but their proportionate part of the cost of construction will be taken out of the general fund by the Secretary of the Interior. The lands to be sold to settlers will be charged with their proportionate cost of this irrigation system, and this will be payable in fifteen annual installments. Various other matters of detail respecting the water rights are covered by the bill.

As the bill passed the Senate and came to the House it undertook to release the Indians from the payment of their proportionate share of the cost of operation and maintenance of the irrigation system. On the hearing of the bill before this committee it was developed that in all probability three-fourths of the irrigable lands would be allotted to Indians, and it was seen that in all probability the great burden of maintenance of this extensive irrigation system might be thus thrust upon a very few of the purchasers of land, and, such being the case, no prudent purchaser would feel like investing his money in the purchasable land when the cost of maintenance would be so unevenly adjusted as to throw the entire charge upon him, and in some cases the charge might be sufficient to cover the entire value of his land. The attention of the author of the bill, together with the Indian Office, was brought to this matter by your committee, and, after careful consideration of all the facts and circumstances, the five amendments proposed by your committee and submitted herewith were agreed upon. As a result of these amendments your committee is of the opinion, and this opinion is shared in by the Reclamation Service and by the Commissioner of Indian Affairs, as well as the author of the bill in the Senate, that the irrigation system can be carefully constructed, the cost thereof equitably adjusted, and the cost of maintenance and operation will be evenly distributed to the various owners of irrigable lands. The Flathead Reservation, where the irrigation system will be constructed, embraces an area of very fine land espe-

cially adapted by reason of soil and climatic conditions to the growth of small fruits and grain.

Your committee beg leave to call the attention of the House to the letter from the Secretary of the Interior advocating the passage of this measure, which is printed in full in the report of the Senate Committee on Indian Affairs, being Report No. 65.

The committee therefore recommends the adoption of the five amendments and recommends that the bill pass as amended.

O

[redacted]

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1191.

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CERTIFY CERTAIN LANDS TO THE STATE OF KANSAS.

MARCH 7, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of California, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 17421.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 17421) to authorize the Secretary of the Interior to certify certain lands to the State of Kansas, have had the same under consideration and report the same back with a recommendation that the same be passed with two amendments, as follows:

After the word "Kansas," in line 4, insert "for the benefit of the Kansas State Agricultural College."

After "State," in line 6, add "the same to be in full satisfaction of the claim of said State under an act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862."

The act of July 2, 1862, gave each public-land State 30,000 acres of single-minimum land for each Senator and Representative then in the Congress, Kansas's quota being 90,000 acres. Under this act Kansas made selections as follows:

	Acres.
July 1, 1863	70,305.21
November 3, 1864	4,325.40
November 3, 1864	15,365.84
Total	89,996.45

On September 16, 1865, the first two of these lists were approved by the Secretary of the Interior, but he held that the land included in the third list had become double minimum land by reason of the land grant to the Leavenworth, Pawnee and Western Railroad Company, and therefore allowed the State but half the amount claimed in the third selection—7,682.92 acres.

Before Kansas filed her selections this company had filed with the Interior Department a map of the State of Kansas, on which a pencil mark had been made indicating the "probable" route of the road to be built. But the road was never built and the land claimed by it was never patented to it. Subsequently the 7,682.95 acres rejected was disposed of to other parties by the United States.

Following some litigation over the States of other land included in this alleged railroad grant in which the Supreme Court of the United States held that the filing of the map showing the "probable" route of the road did not raise the land to the double minimum class, the State of Kansas sought to have her case reopened. On her petition Hon. Wm. A. J. Sparks, then Commissioner of the General Land Office, said (Vol. F 237 B p. 322, of date June 26, 1886):

> The attorney for the State now asks that the case be reopened and considered in the light of the recent decision of the Supreme Court in the case of the Kansas Pacific Ry. Co. *v.* Dunmeyer. * * * The Supreme Court, in the case of the Kansas Pacific Ry. Co. *v.* Dunmeyer (113 U. S., 629), speaking of the definite location of the road, says: "Up to that time the right of the company to no definite section or part of section is fixed. Until then many rights to the lands along which the road finally runs may attach, which will be paramount to that of the company building road." * * * As a matter of fact, the action of the office in rating the lands within the withdrawal of 1862 as double minimum was a direct departure from the practice theretofore in vogue. The records in this office show that in none of the early withdrawals of lands along the probable route were the reserved sections treated as double minimum prior to what was then held to be definite location. For rulings and instructions on this point, see 1st Lester, pp. 509–512.
>
> I am therefore of the opinion that the even-numbered sections within the limits of the grant in question were not legally double minimum until the map of the general route was filed, and that the withdrawal of the odd and the increase in price of even numbered sections along the probable route of the road in 1862 was premature and without authority and should be so treated.
>
> As the State made her selections prior to the filing of such map, it follows that the even-numbered sections within the limits of the probable route were improperly rated at the double-minimum price.

The Secretary of the Interior, Mr. Lamar, held that the matter was res adjudicata, and declined to reopen the case, the syllabus reading, "Final adjudication of the Department will not be disturbed on the mere allegation of error in construing the law."

For the foregoing reasons the committee recommends that the amount stated be now granted to the State.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1200.

TO RELIEVE CERTAIN VESSELS FROM THE FEES IMPOSED BY UNITED STATES CUSTOMS.

MARCH 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUMPHREY, of Washington, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 9119.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 9119) to relieve certain vessels from the fees imposed by United States customs, submits the following report:

This bill is to amend section 2792 of the Revised Statutes of the United States, which section reads as follows:

SEC. 2792. Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

Where vessels make three trips or oftener a week they are practically giving a ferry service and the entrance and clearance fees and tonnage taxes become quite a heavy burden. Vessels on the Great Lakes have for many years been free from these taxes, and it seems to the committee that the same privileges should be extended to other vessels that give practically the same service. This would be accomplished by the passage of this bill. Most of the steamers that would come within its provisions are comparatively small in size, and yet, notwithstanding the many visits they make to the same port, they pay the same taxes each time they enter that the great ocean vessels pay that only make occasional calls. The manager of one of these ferry lines on Puget Sound says:

At present our small steamers that come and go daily have the same fixed entrance and clearance fees as the largest ocean liners, namely, $2.50 entrance and $2.50 clearance and 67 cents surveyor's fees, and this is what House bill No. 9119 would relieve us of. The ferry steamers on the Great Lakes have for a long time been relieved of these charges by an act of Congress and they have not in any case that we know of, the strong rail opposition as our steamers between Seattle and Vancouver, B. C.

On Puget Sound these vessels come into direct competition with the Great Northern, the Northern Pacific, and the Canadian Pacific railways. The line of vessels runs almost parallel to these roads. The railroads are relieved from all customs duties and are allowed to fix such rates as they see fit to meet water competition. Under such conditions these boat lines are seriously handicapped, and a removal of this handicap would tend to reduce passenger rates, both upon the boats and railroads. This bill will also help the vessels running from some of our southern ports to Cuba, and it is likely that with the increase of trade on our southern frontier, it will benefit other small vessels making frequent and regular trips between this country and foreign ports. It has been approved by the Department of Commerce and Labor.

The committee recommends that the bill do pass.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1204.

AMERICAN CITIZENSHIP FOR INHABITANTS OF PORTO RICO.

MARCH 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COOPER, of Wisconsin, from the Committee on Insular Affairs, submitted the following

REPORT.

[To accompany H. R. 393.]

The Committee on Insular Affairs, to whom was referred the bill (H. R. 393) providing that the inhabitants of Porto Rico shall be citizens of the United States, beg leave to report that they have had the same under consideration and recommend that said bill do pass with the following amendment, to wit:

On page 1, in line 11 of the bill, after the words "United States," insert the words "and citizens of Porto Rico;" so that said bill when amended shall read as follows, to wit:

A BILL Providing that the inhabitants of Porto Rico shall be citizens of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seven of an act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes, approved April twelfth, nineteen hundred, be, and it is hereby, amended to read as follows:

"SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of the United States and citizens of Porto Rico, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such other citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of 'The People of Porto Rico,' with governmental powers as hereinafter conferred, and with power to sue and be sued as such."

Porto Rico has nearly 1,000,000 inhabitants. These people are law-abiding and industrious—many of them of high intelligence and culture—and in the opinion of your committee are as much entitled to be recognized as citizens of the United States as are the less than 200,000 inhabitants of Hawaii who enjoy this privilege.

Under the Government of Spain Porto Rico elected representatives to the Chamber of Deputies, and also to the Senate of the Spanish Cortes.

Porto Rico is now, and always will be, of much value to the United States because of the island's large business interests and possibilities, and its important and rapidly increasing trade with this country.

Already Congress has treated the island as if it were a part of the United States. All tariff barriers have been thrown down. Trade is free between the island and the mainland. All of the statutory laws of the United States which are applicable, excepting only those relating to internal revenue, have been extended over the island. In the year 1906 a native resident of Porto Rico, who was its commissioner to the United States, served, by appointment of President Roosevelt, as one of the members of the American delegation to the third Pan-American Conference held in that year at Rio de Janeiro, Brazil.

In his annual messages to Congress, President Roosevelt has more than once recommended that the people of Porto Rico be accorded American citizenship.

The foregoing facts clearly indicate that our people have already decided that Porto Rico is forever to remain a part of the United States.

Aside from these considerations, your committee are firmly of the opinion that with the completion of the Panama Canal, Porto Rico will become of such great strategic importance as to preclude all doubt concerning its permanent retention by this Government.

Your committee believe that a people so worthy as are the inhabitants of Porto Rico, living, as they do, in territory destined forever to be under the dominion of the Government of the United States, are clearly entitled as a matter of right to be accorded the privilege and the honor of American citizenship.

Your committee therefore recommend that the bill with the proposed amendment do pass.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1205.

TO RECEIVE CERTAIN FIELD GUNS, ETC., FROM MASSACHUSETTS.

MARCH 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 4781.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4781) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, report the same back to the House with the recommendation that it do pass.

This bill was sent to the War Department for information and remarks, and the following is a report of the Chief of Ordnance and the Assistant Secretary of War on the same:

[Third indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, March 9, 1908.

Respectfully returned to the honorable the Secretary of War.

The material herein referred to was sold to the State of Massachusetts on January 1, 1900.

A bill of similar purport to this one, authorizing the Department to receive back four 3.6-inch field guns and other pertaining material which had been sold to the State of Connecticut, was referred to this Department for remark, and was returned on February 20, 1906, with the following statement:

"It was a patriotic act on the part of this State to purchase the 3.6-inch guns out of its own funds, and although they are now to be replaced without charge to the State with more modern guns, the State is not thereby placed in a position of advantage with reference to other States who also are about to receive modern guns without charge to them, and who had not expended any of their funds for the same purpose. The effect of the passage of the act will be to show recognition of the action of the State by intrusting its militia with an increased amount of military equipments for use in the service of the United States if needed."

The same remarks apply in the present case of the State of Massachusetts, except that the modern guns referred to above as about to be received by the States have now been issued to the State of Massachusetts and to other States.

The bill with reference to the State of Connecticut became a law.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance, U. S. Army.

[Fourth indorsement.]

WAR DEPARTMENT, *March 9, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing report of the Chief of Ordnance, U. S. Army, in whose views the Department concurs.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1206.

COMMISSIONS FOR ARMY OFFICERS RETIRED WITH INCREASED RANK.

MARCH 10, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 11792.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 11792) to authorize commissions to issue in the cases of officers of the Army retired with increased rank, report the same back to the House with the recommendation that it do pass.

This bill provides commissions for officers who have been promoted under the act of April 23, 1904, which provides:

> That any officer of the Army below the grade of brigadier-general, who served with credit as an officer, or any enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement.

It has been held that the foregoing language did not provide for commissioning these officers at a grade higher, but simply giving them the retired rank and pay.

This bill authorizes a commission to be issued to them of the proper rank which they hold, but carries no pay or allowances of any kind. The expense to the Government will amount to only the small sum of cost of preparing the commissions.

O

[redacted]

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1207.

ROAD FROM NEW HIGHWAY BRIDGE ACROSS POTOMAC RIVER TO ARLINGTON AND FORT MYER, VA.

MARCH 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 18795.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 18795) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac River to the national cemetery at Arlington and Fort Myer, report the same back to the House with the recommendation that it do pass with the following amendment:

After the word road, in line 4, page 2 of the bill, add the words "from the new highway bridge to the Arlington Reservation."

This proposed highway has been surveyed by the War Department, and the Quartermaster-General, in his annual report for 1906, page 24, uses the following language:

More direct route to Arlington National Cemetery.—The Department is now engaged in extensively enlarging and beautifying this national cemetery, and is interested in having it made as directly accessible as possible for funeral processions and to visitors at Washington desiring to go there, and also that the route be through inviting surroundings. At present approach to the cemetery from this city is by a circuitous route in many ways objectionable, through unattractive localities, and numbers of persons are deterred from visiting it on this account.

The same officer, in his annual report for 1907, reiterated the same language and says further, as follows:

Road from the new highway bridge to Arlington.—With a view to securing a shorter, more convenient, and attractive route to the Arlington National Cemetery, the construction of a new road from the Virginia end of the bridge to the Government reservation has been considered, surveys made, and cost estimated. This route would avoid the long trip through Georgetown and across the Aqueduct Bridge, be shorter and more pleasant in every way, and its construction is recommended.

The chief reasons why this road should be established by the Government are as follows:

Because the present public road from the south end of the new highway bridge to Arlington is long and circuitous, running through the brick yards and by the abattoir, and is a narrow, ordinary country road over which the United States Government has no jurisdiction whatever. This county road is always crowded with brick wagons, meat wagons, and wagons bringing in country produce of all kinds, often loaded with hay, taking up the entire roadway; and this road itself in winter is deep in mud, and in summer overhung with an almost perpetual cloud of brick and brown dust, ruinous to clothing and comfort and filling the nostrils, ears, and eyes with unhealthy and filthy dust: and besides this the present road for 300 feet skirts the steam railroad track and the bed of the electric car line, which runs parallel for a part of the way along a curve and at a point where another steam railroad, the Pennsylvania Railroad, crosses the Southern Railway, thus making the route extremely dangerous for all vehicles and teams.

These disadvantages render the present route impracticable for any use by the United States Government in connection with the Arlington Reservation—either the cemetery, or the experimental farm, or the military post thereon.

The new road contemplated by the bill would open a direct route to the southeast corner of the Arlington estate, and, following the southern boundary of said property, lead directly through the experimental garden farm of the Government and directly to the cemetery and the military post. And, again, the construction of this new road as designed by the bill would place it at a considerable distance north of the brickyards and abattoir and north of the present county road, above referred to, and free from all the disadvantages and drawbacks as herein indicated.

The proposed road would form a splendid and beautiful driveway, in connection with the Highway Bridge, from the Agricultural and War Departments in Washington to the experimental garden farm and national cemetery and military post on the Arlington Reservation, consisting of 1,175 acres, now owned and controlled by the United States Government through the Agricultural and War Departments.

Should the Aqueduct Bridge (now old and antiquated and weak and dilapidated), which is some 3 miles, distant up the river, become inoperative for the transmission of United States troops or ordnance or military escorts from Fort Myer and Arlington, the new Highway Bridge would furnish the only quick and direct route to get to the National Capital: and this proposed road, in case of riot or war or other emergency, would be a public necessity.

In thus constructing this proposed road to connect with the driveway across the Aqueduct Bridge, it would furnish a complete link to a beautiful and useful circular boulevard around the Arlington Reservation and back into Washington City.

It would open up to public view and notice and bring into prominence the improvements on the Arlington estate, the experimental garden farm, and the beautifying of the western part of the city of Washington along the Potomac by the National Government.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1209.

CONDEMNED CANNON FOR WAR MONUMENT AT TRENTON, N. J.

MARCH 10, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PARKER, of New Jersey, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 14395.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 14395) granting condemned cannon for war monument at Trenton, N. J., report the same back to the House with the recommendation that it do pass, with amendments as follows:

In line 4 strike out "donate and transfer," and insert the word "furnish" in lieu thereof, and add at the end of the bill the words:

Said cannon to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The bill as amended directs the Secretary to furnish to the Mercer County Soldiers and Sailors' Monument Association of Trenton, N. J., eight condemned brass cannon for the purpose of marking the corners of a soldiers and sailors' monument, and the lot on which it may be erected. The Department report that they have the guns, and have no use for them, save as old material. The citizens of New Jersey are raising a monument by patriotic subscription to cost $12,500.

The Department report and a letter showing the facts are appended.

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, March 2, 1908.

Respectfully returned to the honorable the Secretary of War.

The cannon referred to in the within bill are on hand in this Department. The weight of the 8 referred to is about 9,000 pounds, and their value to the Government as old material is about 12 cents per pound.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance, U. S. Army.

[Second indorsement.]

WAR DEPARTMENT, *March 3, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, inviting attention to the preceding indorsement by the Chief of Ordnance of the Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

MERCER COUNTY SOLDIERS AND SAILORS' MONUMENT ASSOCIATION,
Trenton, N. J., December 6, 1907.

DEAR SIR: Yours of December 6, with copy inclosed of bill H. R. 20177, June 13, 1906, donating eight condemned United States brass cannon to our monument here is received. In reply I beg to state, that our monument association is duly incorporated under the laws of New Jersey, and I send you a copy of our constitution and by-laws herewith. Our monument is to be of Barre granite, about 50 feet high—originally 44 feet, but afterwards increased. Original cost $12,000, but subsequently changed to $12,500, of which amount we have raised and paid $10,500, and the balance will be secured duly. The monument is now substantially complete and ready for erection, but is delayed by the site not being ready. The site is the new city hall plaza on East State street, and its location will be the northeast corner of that plaza fronting on State street, or else immediately in front of the new city hall. But, as you are aware, the city has not yet secured title to the plaza, and therefore I can not state exactly when we shall be able to erect the monument, but as soon as practicable. But the monument is assured by the amount of money we have raised and paid, and it will be erected just as soon as the city is able to furnish the site to us as proposed. We want the brass cannon for corner posts to the monument and other markers there. I transmit a lithograph of the monument, which explains itself. The monument of itself is of Barre granite, the figures are of bronze and already completed and delivered here. On the shaft of the monument are the names of Lincoln, Grant, and Farragut, as the great citizen, great soldier, and great seaman of the war. The inscriptions on the base will likely be changed somewhat. I also inclose you a copy of our annual report, March 1, 1906, which explains itself, and also copies of some of our monument literature, which, it is submitted, it would be difficult to improve.

Yours, very truly,

JAS. F. RUSLING, *President.*

Hon. IRA W. WOOD, M. C.,
Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1210.

CALL FOR LETTERS AND DATA RELATING TO THE REMOVAL OF THE WRECK OF THE UNITED STATES BATTLE SHIP MAINE.

MARCH 10, 1908.—Ordered to be printed.

Mr. FOSS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. Res. No. 242.]

The Committee on Naval Affairs, to whom was referred the resolution (H. Res. No. 242) requesting the Secretary of the Navy to furnish to the House of Representatives any facts as to the costs and legal status under which Congress may exercise action for the removal of the wreck of the United States battle ship *Maine* and provide burial for its dead now lying in the hulk in the harbor of Habana, Cuba, having had same under consideration, reports as follows:

That the resolution be amended as follows:

In lines 4 and 5 strike out the words "present international" and the words "and rights, if any there be," and insert in line 4, after the word "the," the words "cost and legal."

In line 8 strike out the words "proper" and "its" and insert, after the word "for," the word "the."

When so amended the committee recommends that the resolution be passed.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1215.

HOMESTEAD ENTRY OF LANDS IN POINT ROBERTS RESERVE, WASHINGTON.

MARCH 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. VOLSTEAD, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 6283.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 6283) permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve," having considered the same, respectfully report said bill, with the following amendment:

At the end of said bill, after the word "them," in line 20, page 2, strike out the period, insert a comma in lieu thereof, and then add the following: "subject, however, to all the provisions of the homestead laws."

The bill as thus amended has the recommendation of the Secretary of the Interior, and in this form the committee recommend that said bill be passed.

This bill in substance provides for the opening to homestead entry by the actual bona fide settlers now thereon of 2,782.55 acres of land in Whatcom County, State of Washington, known and marked upon the map as "the Point Roberts Reserve."

These lands described in this bill are now subject to homestead entry without any additional legislation whatever; the only object accomplished by this bill is to give a preference right of entry for sixty days to the persons who are now in good faith residing upon these lands.

The total area of this entire "Point Roberts Reserve" was 3,154.80 acres; but there are three tracts of land within the limits of this reservation which are not included in this bill, to wit:

	Acres.
United States light-house reservation	59.25
Kate Waller homestead	137.75
Horace Brewster homestead	175.25
Total	372.25

Subtracting the 372.25 acres from the total area of the reserve (3,154.80 acres) leaves 2,782.55 acres remaining subject to the provisions of this bill.

The letter of the Secretary of the Interior to the Committee on the Public Lands, House of Representatives (which letter is made a part of this report), gives in detail the history of this said "Point Roberts Reserve."

The facts regarding this reserve are briefly as follows:

This reserve was created by Executive order of September 13, 1859, the understanding being that said lands were reserved for both military and light-house purposes. The Light-House Board afterwards did appropriate for its use and assume control of 55.25 acres, while the remaining lands were reserved with the intention of using the same for a military reserve. Said lands, however, have never been appropriated or occupied for military purposes, and therefore said reservation is not an abandoned military reservation, and not subject to disposal under the law which provides that abandoned military reservations shall be appraised and sold to the highest bidder, etc. (Act of July 5, 1884.)

After the War Department determined not to use said lands for military purposes the following orders were issued:

Executive order of April 29, 1898, placed said lands under the control of the Interior Department for disposition as provided by law.

Executive order of May 9, 1898, reserved all of said lands for "public uses," except, of course, that portion already reserved for light-house purposes.

The various Executive Departments of the Government, including the War Department, the Treasury Department, and the Interior Department, have recently decided that none of these Departments need or desire the lands described in this bill for any public purpose. Therefore said lands can now be disposed of.

When the various Departments of the Government determined to release these lands and no longer reserve the same for any public purpose, the effect of that action is to place these lands again in the public domain.

In cases of this general nature a proclamation of some character is usually issued by the Secretary of the Interior declaring that certain lands have been restored to the public domain, or notifying the Land Department that said lands are no longer reserved, and are subject to homestead and other entries.

No proclamation of that kind has been issued in relation to the lands described in this bill heretofore reserved. The reason of this is, that the settlers upon these lands have been settlers thereon for many years (because it has been considered in that locality that the Government would abandon these lands as a reserve); and the committee have deemed

it proper that these actual bona fide settlers upon these lands be given a preference right to enter each the land occupied by him as a homestead.

Practically all that this bill accomplishes is to grant to these actual bona fide settlers upon these lands a sixty-day preference right of entry to the lands occupied by him.

There are about 39 settlers occupying these lands (40, 80, and 160 acres, etc., each), and they have occupied them for periods varying in each case from one to sixteen years. These settlers have made valuable improvements, varying in the case of settlers from $400 to $2,500 worth of improvements on each claim.

In view of these facts the committee consider that these settlers should be given a preference right to enter the lands occupied by them.

It is proper to add in relation to this subject, that in the year 1897 the Interior Department, acting through the Secretary, caused an appraisement of these lands to be made according to the provisions of the act of July 5, 1884—an act to provide for the disposition of abandoned military reservations.

After said appraisers had made their report the Secretary of the Interior decided that inasmuch as these lands had never been appropriated or occupied for military purposes, that the same was not therefore an abandoned military reservation and could not be disposed of under the law which provided for the disposition of abandoned military reservations.

The report of said appraisers was not, therefore, approved. However, this committee, in reporting this bill, thought that this old appraisement of these lands might throw some light upon their actual value. An examination of this old appraisement shows that in 1897 these appraisers fixed the value of these lands at figures ranging from $2.50 to $18 per acre.

The report of said appraisers is attached hereto and made a part of this report.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1908.

SIRS: I have the honor to acknowledge receipt of the letter of your chairman, dated December 31, 1907, inclosing a copy of H. R. 6283, entitled, "A bill permitting, homestead entries upon certain lands in Whatcom County, Washington, being a portion of the 'Point Roberts Reserve,'" with a request that I inform you as to the present status of the lands described in said bill and give my opinion as to the wisdom of the legislation proposed.

The bill provides that certain described lands, which are all of what is known as Point Roberts Reserve, except the lands described below as reserved for light-house purposes, and the lands included in certain mentioned entries, "be, and the same are hereby, opened to settlement and entry under the homestead laws of the United States only, in such manner and at such time as the Secretary of the Interior may prescribe: *Provided*, That the actual bona fide settlers upon said lands on January first, nineteen hundred and eight, shall have sixty days from the date of the opening of said lands to make entry of the lands settled upon and occupied by them."

Said reservation was established by Executive order of September 13, 1859, the understanding being that the land was reserved for military and light-house purposes.

By departmental order of May 6, 1890, the W. ½ of sec. 10 and sec. 9, T. 40 N., R. 3 W., were reserved for light-house purposes. By departmental order of November 22, 1889, this reservation was reduced to lots 2 and 3 of section 9.

By Executive order of June 28, 1890, the Point Roberts Reserve was turned over to this Department for disposal under the act of July 5, 1884 (23 Stat., 103), as an abandoned military reservation, and under instructions of the General Land Office the local officers allowed two homestead entries for a portion of the reserve and the parties submitted their final proof and received their patents.

The lands in this reservation were appraised, but never having been appropriated or occupied for military purposes, or declared a military reservation, they were determined not to come within the provisions of the act of 1884, and could not, therefore, be disposed of as an abandoned military reservation.

By Executive order of April 29, 1898, the lands were placed under the control of this Department for disposition as provided by law, but by Executive order of May 9, 1898, the lands, except the portion previously reserved for light-house purposes, were reserved for public uses.

All of the lands not reserved for light-house purposes and not included in the homestead entries referred to above appear to be in the possession of settlers. They petitioned this Department to have the lands disposed of, but the Navy Department reported that said lands should be reserved for Government purposes, and on account thereof adverse action was taken on the petition of said settlers. However, on February 1, 1907, the Secretary of the Navy informed this Department that the Navy Department did not desire that any of the lands in said Point Roberts Reservation be reserved for its use.

Under date of April 16, 1902, the Acting Secretary of the Treasury stated that no land other than lots 2 and 3 of section 9 is required for light-house purposes.

The proviso to the bill quoted above is a little indefinite and it is suggested that there be added after the word "them" in the twentieth line, page 2, the words "subject, however, to all the provisions of the homestead laws."

If the bill is modified in this particular I know of no objection to its becoming a law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

EXHIBIT B.

A BILL Permitting homestead entries upon certain lands in Whatcom County, Washington, being a portion of the "Point Roberts Reserve."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands, to wit: Lots three and four, and the west one-half of the southwest quarter of section one; lots one, two, three, and four, and the south half of the northeast quarter, the south half of the northwest quarter, and the south half of section two; lots one, two, three, and four, and the south half of the northeast quarter, the south half of the northwest quarter, the southeast quarter, the east half of the southwest quarter, and the northwest quarter of the southwest quarter of section three; the northeast quarter of the northeast quarter and lot one of section four; lot one of section nine; the north half of the northeast quarter, the north half of the northwest quarter, and lots one, two, three, and four of section ten; lots one, two, three, and four of section eleven; the northwest quarter of the northwest quarter, and lot one of section twelve, all in township forty, north of range three west of the Willamette meridian; and lots one, two, three, and four of section thirty-three; lots one, two, three, four, five, six, seven, and eight of section thirty-four; lots one, two, three, four, five, six, seven, and eight of section thirty-five; lot one, section thirty-six, all in township forty-one, north of range three west of the Willamette meridian, all of said above-described lands being in Whatcom County, State of Washington, and being a portion of the "Point Roberts Reserve," be, and the same are hereby, opened to settlement and entry under the homestead laws of the United States only, in such manner and at such time as the Secretary of the Interior may prescribe: *Provided,* That the actual bona fide settlers upon said lands on January first, nineteen hundred and eight, shall have sixty days from the date of the opening of said lands to make entry of the lands settled upon and occupied by them, subject, however, to all the provisions of the homestead laws.

Exhibit C.

RECAPITULATION OF THE LANDS DESCRIBED IN BILL.

	Acres.
T. 40 N., R. 3 W., Willamette meridian:	
Lots 3 and 4 and W. ½ SW. ¼ sec. 1	150.00
Lots 1, 2, 3, and 4, S. ½ NE. ¼, S. ½ NW. ¼, and S. ½ sec. 2	637.64
Lots 1, 2, 3, and 4, S. ½ NE. ¼, S. ½ NW. ¼, SE. ¼, E. ½ SW. ¼, and NW. ¼ SW. ¼ sec. 3	599.16
NE. ¼ NE. ¼ and lot 1 sec. 4	67.00
Lot 1, sec. 9	34.75
N. ½ NE. ¼, N. ½ NW. ¼ and lots 1, 2, 3, and 4 sec. 10	303.00
Lots 1, 2, 3, and 4 sec. 11	198.75
NW. ¼ NW. ¼ and lot 1 sec. 12	72.00
T. 41 N., R. 3 W., Willamette meridian:	
Lots 1, 2, 3, and 4 sec. 33	138.22
Lots 1, 2, 3, 4, 5, 6, 7, and 8 sec. 34	288.40
Lots 1, 2, 3, 4, 5, 6, 7, and 8 sec. 35	286.43
Lot 1, sec. 36	7.20
Total	2,782.55

Original area of entire tract known as "Point Roberts"		3,154.80
	Acres.	
Light-house reservation	59.25	
Kate Waller homestead	137.75	
Horace Brewster homestead	175.25	
		372.25
Total remaining lands subject to bill		2,782.55

Exhibit D.

Names of settlers on the Point Roberts Reserve, Whatcom County, Wash.

No	Name.	When settled.	Acreage.	Value of improvements.
			Acres.	
1	Marcus Reeploeg	1901	160	$1,500.00
2	John Elder	1892	160	1,000.00
3	Albert Graper	1903	160	500.00
4	Th. Johnson	March 15, 1901	160	1,000.00
5	P. Whalen	January, 1901	160	1,400.00
6	H. P. Hassen	November, 1901	7	400.00
7	J. Milligan	January, 1893	160	1,500.00
8	Smith Hodge	March, 1893	80	2,500.00
9	J. Samuelson	August 10, 1894	40	1,500.00
10	E. Anderson	do	40	1,000.00
11	J. Swanson		80	1,000.00
12	M. Magnussen	April 10, 1902		500.00
13	J. Burnes	May 5, 1894	160	500.00
14	M. Allison		40	
15	A. Thompson		40	
16	August Teller	December 27, 1902	40	2,000.00
17	G. Samuelson	January 20, 1896	40	1,000.00
18	Fred. Hanson	August 10, 1894	40	1,500.00
19	C. Benson	March 6, 1893	40	1,200,00
20	John Anderson	April 4, 1906	40	400.00
21	N. Yancey	September 1, 1901	80	1,000.00
22	John Johnson	October 15, 1900	40	1,500,00
23	Louis Anderson	March, 1901	40	1,500.00
24	H. Erickson	February 15, 1902	40	2,000.00
25	S. Solomon	January 20, 1899	40	1,800.00
26	G. O. Goodmanson	September 17, 1894	40	1,500.00
27	P. Thorsteinsen	January 15, 1894	40	1,800,00
28	E. C. Tinkham	1889	40	1,500.00
29	J. Johnson	May 4, 1904	40	800.00
30	A. W. Erickson	September 25, 1906	80	700.00
31	J. Goodfellow	September, 1897	79	4,000.00
32	H. G. Brynyolfsen	July 24, 1906	40	1,000.00
33	A. G. McKeen	October 15, 1887	56	2,000.00
34	Wm. Taylor	October 4, 1897	47½	1,200.00
35	H. Thorsteisen	June 15, 1894	40	1,700.00
36	S. Myrdal	June 25, 1894	120	2,000.00
37	A. Myrdal	June 15, 1894	160	600.00
38	J. Helgeson	January 5, 1907	61½	[illegible]
39	J. A. Largaud	December 22, 1897	15	[illegible]

EXHIBIT E.

A FEW FACTS ABOUT POINT ROBERTS, WHATCOM COUNTY, WASH.

Point Roberts has over 10 miles of wagon road; has 15 cream separators; has 2 thrashing machines; is a school district of Whatcom County, known as No. 68; keeps 2 teachers nine months out of the year, and the school has an attendance of 75 children; has a justice of the peace and is under civil law; has over $120,000 of assessed personal property; has 2 salmon canneries; has a population of 250.

EXHIBIT F.

BRIEF HISTORY OF POINT ROBERTS RESERVE.

Executive order of President of United States of September 13, 1859, reserved said land for public use, but it has been treated as a military reservation.

Executive order of President of United States of June 28, 1890, placed reservation under control of Interior Department for disposal under act of July 5, 1884.

May 6, 1890, section 9 and west half of section 10 reserved for light-house purposes (264a).

November 18, 1890, Secretary of the Interior directs that no steps be taken looking to the disposal of the reservation.

March 28, 1892, order of November 18, 1890, revoked by the Secretary of Interior.

June 12, 1893, Secretary of Interior forwards to General Land Office letter of Acting Secretary of War, dated July 8, 1893, showing that reservation is not needed for military purposes and directs action under act of July 5, 1884.

August 24, 1897, Secretary of Interior appoints appraisers.

September 11, 1897, report of appraisers received at General Land Office.

November 5, 1897, report submitted to Secretary of Interior for approval.

May 12, 1898, Secretary of Interior returns report without approval, and incloses Executive order of President of United States of April 29, 1898, amending former Executive order of June 28, 1890, so that land shall be under control of Interior Department.

May 9, 1898, Executive order reserves the peninsula on the east side of Gulf of Georgia for public use, except part reserved for light-house purposes.

October 11, 1899, Secretary of Treasury incloses letter to Secretary of Interior from Light-House Board relinquishing lot 1, sec. 9, and lots 1 and 2 and fractional N. ½ N. W. ¼ sec. 10, T. 40 N., R. 3 W., retaining lots 2 and 3, sec. 9.

April 28, 1902, Secretary of Interior says no further steps will be taken looking to the cancellation of Executive order of May 9, 1898, as the land is wanted for the use of certain bureaus (Bureau of Equipment and other bureaus) of the Navy Department.

1907, the Secretary of the Interior decides upon a petition of the settlers upon said reserve to abandon said land for any public uses, and to favorably recommend a bill granting to actual settlers on said lands a preference right of homestead entry.

EXHIBIT G.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 21, 1908

SIR: In response to your personal request I inclose you a copy of the appraised list of the Point Roberts Reservation, Washington, made in 1897. The appraisal was not approved by the Secretary of the Interior.

Very respectfully,

R. A. BALLINGER, *Commissioner.*

Hon. F. W. CUSHMAN,
House of Representatives.

Description and valuation of lands in Point Roberts, Washington, abandoned military reservation, appraised under the provisions of the act of July 5, 1884 (23 Stats., 103).

Description.	Sec.	T.	R.	Number of acres.	Character of the land.	Value per acre.	Total value.
		N.	W.				
Lot 3	1	40	3	44.75	High woods	$5.00	$223.75
Lot 4	1	40	3	25.25	do	6.00	151.50
NW. ¼ SW. ¼	1	40	3	40.00	do	3.00	120.00
SW. ¼ SW. ¼	1	40	3	40.00	do	3.00	120.00
NE. ¼ NE. ¼	2	40	3	39.26	do	3.00	117.75
N. W. ¼ NE. ¼	2	40	3	39.36	do	3.00	118.08
SE. ¼ NE. ¼	2	40	3	40.00	Woods	4.00	160.00
SW. ¼ NE. ¼	2	40	3	40.00	Fir woods	2.50	100.00
NE. ¼ NW. ¼	2	40	3	39.46	do	2.50	98.65
NW. ¼ NW. ¼	2	40	3	39.56	do	2.50	98.90
SE. ¼ NW. ¼	2	40	3	40.00	do	2.50	100.00
SW. ¼ NW. ¼	2	40	3	40.00	do	2.50	100.00
NE. ¼ SE. ¼	2	40	3	40.00	do	3.00	120.00
NW. ¼ SE. ¼	2	40	3	40.00	do	3.00	120.00
SE. ¼ SE. ¼	2	40	3	40.00	High woods	3.00	120.00
SW. ¼ SE. ¼	2	40	3	40.00	do	3.00	120.00
NE. ¼ SW. ¼	2	40	3	40.00	do	2.50	100.00
NW. ¼ SW. ¼	2	40	3	40.00	do	2.50	100.00
SE. ¼ SW. ¼	2	40	3	40.00	do	5.00	200.00
SW. ¼ SW. ¼	2	40	3	40.00	do	5.00	200.00
NE. ¼ NE. ¼	3	40	3	39.64	do	3.00	118.92
NW. ¼ NE. ¼	3	40	3	39.74	do	2.50	99.35
SE. ¼ NE. ¼	3	40	3	40.00	Level woods	3.00	120.00
SW. ¼ NE. ¼	3	40	3	40.00	do	3.00	120.00
NE. ¼ NW. ¼	3	40	3	39.84	do	3.00	119.52
NW. ¼ NW. ¼	3	40	3	39.94	do	3.00	119.82
SE. ¼ NW. ¼	3	40	3	40.00	do	4.00	160.00
SW. ¼ NW. ¼	3	40	3	40.00	do	4.00	160.00
NE. ¼ SE. ¼	3	40	3	40.00	do	3.00	120.00
NW. ¼ SE. ¼	3	40	3	40.00	do	4.00	160.00
SE. ¼ SE. ¼	3	40	3	40.00	do	4.00	160.00
SW. ¼ SE. ¼	3	40	3	40.00	do	4.00	160.00
NE. ¼ SW. ¼	3	40	3	40.00	do	4.00	160.00
NW. ¼ SW. ¼	3	40	3	40.00	do	4.00	160.00
SE. ¼ SW. ¼	3	40	3	40.00	Swampy wood	3.00	120.00
NE. ¼ NE. ¼	4	40	3	40.00	Level wood	3.00	120.00
Lot 1	4	40	3	27.00	do	5.00	135.00
NE. ¼ NE. ¼	10	40	3	40.00	Marsh tide land	5.00	200.00
NW. ¼ NE ¼	10	40	3	40.00	do	5.00	200.00
Lot 3	10	40	3	31.00	Level shore land	10.00	310.00
Lot 4	10	40	3	22.00	do	12.50	275.00
Lot 1	11	40	3	56.75	do	15.00	851.25
Lot 2	11	40	3	47.25	do	10.00	472.50
Lot 3	11	40	3	42.00	High shore land	6.00	252.00
Lot 4	11	40	3	52.75	do	4.00	189.00
Lot 1	12	40	3	32.00	do	4.00	128.00
NW. ¼ NW. ¼	12	40	3	40.00	High gravelly	3.00	120.00
Lot 1	33	41	3	32.12	Level wood	3.00	96.36
Lot 2	33	41	3	33.85	do	5.00	169.25
Lot 3	33	41	3	32.25	do	5.00	161.25
Lot 4	33	41	3	40.00	do	3.00	120.00
Lot 1	34	41	3	32.08	do	3.00	96.24
Lot 2	34	41	3	32.10	do	2.50	80.25
Lot 3	34	41	3	32.10	do	3.00	96.30
Lot 4	34	41	3	32.12	do	2.50	80.30
Lot 5	34	41	3	40.00	do	3.00	120.00
Lot 6	34	41	3	40.00	do	2.50	100.00
Lot 7	34	41	3	40.00	do	2.50	100.00
Lot 8	34	41	3	40.00	do	2.50	100.00
Lot 1	35	41	3	30.20	Level shore land	18.00	543.60
Lot 2	35	41	3	32.08	Rolling	5.00	160.40
Lot 3	35	41	3	32.08	do	5.00	160.40
Lot 4	35	41	3	32.08	do	5.00	160.40
Lot 5	35	41	3	40.00	Fir woods	2.50	100.00
Lot 6	35	41	3	40.00	do	2.50	100.00
Lot 7	35	41	3	40.00	do	2.50	100.00
Lot 8	35	41	3	39.99	Rolling	6.00	239.94
Lot 1	36	41	3	7.20	Show land	15.00	108.00

We, the commissioners appointed by the honorable Secretary of the Interior to appraise the lands in the Point Roberts, Wash., abandoned military reservation, hereby certify that we have performed that duty and have entered on these lists opposite each legal subdivision the price per acre and the total amount at which said subdivisions have been by us appraised.

FRED HOISINGTON,
JOHN G. EDENS,
MARSHALL M. CLOTHIER,
Commissioners.

POINT ROBERTS, WASH., *September 1, 1897.*

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1216.

DISAPPROVAL OF CERTAIN LAWS OF THE TERRITORY OF NEW MEXICO.

MARCH 11, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HAMILTON, of Michigan, from the Committee on the Territories, submitted the following

REPORT.

[To accompany S. R. 37.]

The Committee on the Territories, to whom was referred the joint resolution (S. R. 37) for the disapproval of certain laws of the Territory of New Mexico, having had the same under consideration, report it back with the recommendation that it do pass.

A House joint resolution (H. J. Res. No. 94) identical with the Senate resolution accompanying this report was reported to the House by the Committee on the Territories February 21, 1908. That report states the reasons assigned by the committee for favorable consideration of the resolution, and is as follows:

The Committee on the Territories, to whom was referred the joint resolution H. J. Res. 94, having had the same under consideration, report it back to the House with the recommendation that it do pass.

This legislation of New Mexico, to say the least, is unique and demonstrates the wisdom of the law giving Congress absolute control over the legislation of the Territories.

It is entitled "An act establishing the law and procedure in certain cases." In the judgment of the committee the title should be "An act to prevent persons receiving injuries through the carelessness of railroads and other corporations in the Territory of New Mexico from recovering any damages therefor."

In passing, the committee would say that the act did not commend itself to the governor of New Mexico, and was promptly vetoed by him, yet the legislature, for some cause which may be imagined, readily passed it over his veto.

The first section says there shall be no civil liability either at common law or under the statute on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in the Territory unless the person claiming damages shall, within ninety days after such injuries, serve upon the person or corporation against whom it is claimed, and at least thirty days before the commencement of suit, an affidavit, made before some person authorized to administer oaths, giving the name of the person receiving the injuries if the person be other than the affiant, the character and the extent of the injuries, the manner in which they were caused, the names and addresses of all witnesses, and the facts or any part thereof relating to such injuries, and shall also commence his action within one year after the injuries occurred in the district court in the county in which they occur or

where the defendant resides, said action not to be dismissed or discontinued except by consent of the defendant, and all the foregoing conditions are made a condition precedent upon which the right to recover for such injuries can exist, except as provided in section 2.

The second section permits the person or corporation in the district to file a petition in the district court in the county where the petitioner lives stating that he is informed that some one claims damages for personal injuries or both, setting forth as near as he can the manner in which the claim arose, asking that the party injured be required to appear in said court and file a statement of his cause of action against such petitioner in the form of a complaint, to which the petitioner may demur or answer, when the matter shall proceed to trial, and damages, if any, are awarded, shall be assessed as the law and facts may require, subject to the right of having the matter reviewed on writ of error; but in case the party summoned does not appear the court shall proceed to try and determine the whole matter ex parte.

The third section prohibits a person injured in that Territory to bring any action or maintain any suit in any other State or Territory therefor; and if anybody has done it, it shall be the duty of the court in the Territory to set down for hearing and try and determine the question as expeditiously as possible and on short notice to the other party, and gives the court power to compel the parties to appear and plead; and in case it is not triable by jury, the courts shall proceed at once to try and determine the same, and providing also that the bringing of a suit in any other State or Territory shall be construed by the court as a waiver on the right of the person so bringing it to have a trial by jury in the courts of the Territory.

Section 4 authorizes the court to issue an injunction prohibiting the party from prosecuting his suit in any other State or Territory.

Section 5 makes these conditions and limitations apply to all cases in which damages for personal injuries are claimed.

Section 6 does, however, concede the right of parties to compromise the claim.

It seems to the committee that this act throws so many obstacles around the maintenance of an action for personal injuries as to be in many cases a virtual denial of justice and right and that it ought to be expunged from the statutes of New Mexico.

It should be stated that recently the United States district court in Colorado held the act in question to be unconstitutional.

One suit was brought in the State of Texas in which a judgment of nonliability had been ordered by a court in the Territory of New Mexico under this act, and the court in Texas said that while it was a very peculiar provision, such as they had never heard or known of in jurisprudence, yet they did not know any reason why there was not a legal right of the legislature to provide that action of nonliability, and declined to pass on the constitutionality of the law in a sister State or Territory.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1219.

CONDEMNED CANNON, ETC., FOR WINCHESTER, VA.

MARCH 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 18689.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va., report the same back to the House with the recommendation that it do pass with the following amendment:

After the word "cannon," in line 5 of the bill, add the words "with their carriages and," and as thus amended recommend that the bill do pass.

This bill was sent to the War Department for a report, and their report shows that they have the guns on hand, and that they are of no use except as old material.

They recommend that the bill be amended so as to include carriages for the guns.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1221.

APPROPRIATIONS FOR DEPARTMENT OF AGRICULTURE.

MARCH 11, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SCOTT, from the Committee on Agriculture, submitted the following

REPORT.

[To accompany H. R. 19158.]

In presenting the bill making appropriation for the expenses of the Department of Agriculture for the fiscal year ending June 30, 1909, the Committee on Agriculture submit the following report:

SECRETARY'S OFFICE.

The salary of the solicitor is advanced from $3,500 to $4,000, and the chief clerk is allowed $500 additional as custodian of buildings. Two clerks of class 2, three clerks at $1,000 each, and one clerk at $900 have been transferred from the rolls of other Bureaus. One cabinetmaker, at $1,100, has been transferred from the emergency roll to the Secretary's office. Various changes have been made in rearranging the force of engineers, firemen, and watchmen for the new building. The total increase over last year is $13,300.

WEATHER BUREAU.

One clerk of class 3, one clerk of class 1, one clerk at $1,000, one skilled mechanic at $1,000, and one watchman at $720 have been added. An increase of $1,000 has been allowed in the item for contingent expenses and an increase of $242,200 for the salaries of station employees and for general expenses has been made. Total increase, $248,720.

BUREAU OF ANIMAL INDUSTRY.

One clerk of class 4 and one clerk at $900 have been added. Two clerks at $600, one messenger at $720, one skilled laborer at $720, two skilled laborers at $480 each, and one fireman at $720 have been

dropped. An increase of $50,000 has been allowed for general expenses, making the total net increase $48,380. New language has been added to provide for enforcing the act approved March 3, 1891, providing for safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes, and also authorizing the Secretary of Agriculture to investigate in cooperation with municipal and State authorities or in such other way as he may deem best, and to report to Congress upon the prevalence and extent of tuberculosis among dairy cattle in the United States.

THE BUREAU OF PLANT INDUSTRY.

Three gardeners at $720 each, 1 ski ed laborer at $720, 1 skilled laborer at $600, and 1 skilled laborer, or messenger, at $480 have been added. One clerk, or messenger, at $480, 3 firemen at $720 each, 3 watchmen at $720 each, and 2 watchmen at $600 each have been dropped. The provision for grain in tigations and for boll-weevil work heretofore carried as separate i s in the bill have been incorporated into the general language cover ng the work of this Bureau, the appropriation being correspondi y increased. Ten thousand dollars is added to the amount provid for free seed distribution, the additional sum to be expended in the introduction of new and valuable seeds. New language has been inserted to enable the Secretary of Agriculture to establish a standard for different grades of cotton and to provide that grades of grain when fixed by the Department shall become the official standard for the grading of grains. The total increase for the appropriation for this Bureau is $279,446.

FOREST SERVICE.

There is an increase in the salary of one clerk from $1,900 to $2,000, one draftsmen from $1,800 to $2,000, and one clerk of class 4 has been added. One clerk, at $1,000, has been dropped. New language has been inserted to provide that no extension of national forests shall be made except by the purchase of land or rights therein found to be necessary for the protection, administration, and improvement of the forests; to authorize the Secretary of Agriculture to accept lands for forest purposes and to exchange lands in order to consolidate forests; to provide for cooperative work between this and other Bureaus and Departments; to authorize the Secretary of Agriculture to divide and designate national forests in so far as he may deem best for demonstrative purposes; to provide that all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of national forests shall constitute a special fund to be held in the Treasury until expended as the Secretary of Agriculture may direct for the payment of expenses of such investigation, protection, and improvement of the Forest Service, and for refunds to the contributors of the amounts in excess of the sum actually due from them; to provide for the issuance under certain conditions of irrevocable permits; and to provide for the advance of money to chiefs of field parties in the Forest Service for fighting forest fires and for other purposes. On account of the change in the law whereby all receipts from the use of the forest or the sale of timber on them are deposited in the Treasury as miscellaneous receipts, and also on account of the

rapidly increasing demand for the examination of lands claimed as homesteads within the national forests, a large apparent increase in the general expense of the Bureau has been required. The actual increase, however, estimating the receipts to be the same as last year, is but $134,121.88, while if the receipts this year reach $2,000,000, which is the estimate of the Chief the Bureau, the present appropriation will be in fact a reduction of $603,800 from that of last year. The total appropriation this year is $3,796,200.

BUREAU OF CHEMISTRY.

The salary of the chief clerk has been increased from $1,600 to $1,800. One clerk of class 4, two clerks of class 3, two clerks of class 2, two clerks of class 1, three clerks at $1,000 each, four clerks at $900 each, one skilled mechanic at $900, three messengers or laborers at $600 each have been added. One library clerk at $900 has been dropped. An increase of $75,000 has been allowed for the general expenses of the Bureau, making a total increase of $93,800.

BUREAU OF SOILS.

One fireman at $840 and two watchmen at $720 each have been dropped, making a net decrease in the appropriation for this Bureau of $2,280.

BUREAU OF ENTOMOLOGY.

The salary of the Chief of the Bureau has been raised from $3,250 to $4,000, and two clerks of class 3 have been added. The appropriation heretofore made for silk culture has been eliminated and the work in connection with the cotton boll weevil, so far as it relates to this Bureau, has been included in the general work of the Bureau. The total appropriation for the Bureau is $184,960, an increase of $8,950.

BIOLOGICAL SURVEY.

No changes have been made in the salary roll. The total appropriation for the Bureau is $62,000, an increase of $10,000.

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

The salary of the chief of division has been increased from $2,750 to $3,250; that of the custodian of records and files from $1,000 to $1,200, and one clerk of class 3, one clerk of class 2, and one clerk of class 1 have been added. The total appropriation for the division is $46,690, an increase of $4,900.

DIVISION OF PUBLICATIONS.

The salary of the chief clerk of the division has been raised from $1,800 to $2,000, and one editorial clerk at $1,400, and ten skilled laborers at $840 each have been added. An increase of $5,000 was allowed for general expenses, making the total appropriation $176,550, an increase of $15,000.

BUREAU OF STATISTICS.

The salary of the [illegible]nt cl[illegible] of the div[illegible] from $2,[illegible] to $2,500. One editorial [illegible] at $2,300 has been dropped and one clerk at $1,000 has be[illegible]red to the Secretary's roll. Two clerks of class 1 have been ad[illegible]. An [illegible]crease of $7,000 was allowed in the appropriation for general [illegible], making the total appropriation for the Bureau $221,440, [illegible] of $1,500.

LIBRARY.

One cataloguer at $1,200 and one clerk at $1,000 have been added. An increase of $3,000 has been allowed for general expenses. Total appropriation $33,580, an increase of $5,200.

CONTINGENT EXPENSES.

An increase of $31,200 has been allowed, $25,000 of which sum is for the installation of power plant machinery in the new building, the remainder of the increase being accounted for by estimates of necessary increased expenditure.

EXPERIMENT STATIONS.

One clerk of class 2 and two clerks at $1,000 each have been transferred from the lump sum to the statutory roll. The appropriation for agricultural experiment stations has been increased $16,000. An item of $3,000 is inserted to meet the expense of setting up nutrition apparatus and preparing certain bulletins connected with the work of nutrition for publication. No change is made in the appropriation for irrigation and drainage. Total appropriation, $1,030,620, an increase of $17,400.

PUBLIC ROADS.

There is no change in the salary roll. New language has been introduced to forbid the purchase or rent of road machinery. Total appropriation $87,390, an increase of $17,340.

EMERGENCY APPROPRIATIONS.

The appropriation for the extermination of the gypsy moth has been increased from $150,000 to $250,000, and the appropriation for the extermination of the cattle tick has been similarly increased.

PAPER MAKING.

A new item has been introduced providing an appropriation of $10,000 to enable the Secretary of Agriculture to inquire into additional sources of raw material for paper making, the processes of manufacture, etc.

The estimates on which this bill is based will be found on pages 115–155 of the Book of Estimates for 1909 and aggregate $10,666,351. To this sum supplemental estimates were submitted as follows: For

the improvement of the national forests, $2,000,000; for examining applications for homesteads within national forests, $100,000; for the restoration of the building at Mount Weather, destroyed by fire, and for the construction of a central power plant at Mount Weather, $60,000; for expense of collecting evidence to enforce the act providing for the humane treatment of domestic animals in transit, $25,000, making a grand total of estimates of $12,851,351. The present bill carries $11,431,346.

In addition to the sum provided by this bill there is carried in the sundry civil bill an item of $550,000 for printing and binding for the Department of Agriculture, and by permanent appropriation the sum of $3,000,000 to defray the expense of meat inspection. The gross amount, therefore, appropriated for the use of the Department during the next fiscal year is $14,981,346.

By the elimination of superfluous language, not in any way changing the scope of the work of the Department, the volume of the bill has been reduced about one-third.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1222.

TO AMEND A CERTAIN PROVISION OF THE ACT MAKING APPROPRIATION FOR THE NAVAL SERVICE APPROVED JUNE 29, 1906.

MARCH 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Foss, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 6289.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6289) to amend a certain provision of the act making appropriation for the naval service, approved June 29, 1906, having had the same under consideration, report the same to the House with the following amendment:

Page 2, line 2, strike out the words "June twenty" and insert after the word "from" the words "the passage of this act."

Page 2, line 3, strike out the words "ninth, nineteen hundred and six."

As amended the committee recommend that the bill do pass.

This bill provides for the relief of certain officers on the retired list above the grade of captain with civil war records who have received no increase of pay, although in consequence of legislation subsequent to their retirement many officers their junior received advanced rank and increased pay on the retired list.

The personnel act of 1899 provided for the promotion upon retirement of officers with civil war records to the rank and retired pay of one grade above that held by them at the time of retirement and at the same time provided that there should be no increase of pay for officers on the retired list.

This legislation produced the following condition: That officers with civil war records retired after 1899 received an advance for civil war service and excluded those officers with civil war service retired prior to 1899.

In an attempt to remedy this condition, Congress, on June 29, 1906, enacted a law providing for the promotion of one grade on the retired list of officers not above the grade of captain who served with credit

during the civil war. This legislation, however, still excluded 15 rear-admirals and 3 commodores on the retired list, and it is for their relief that this legislation is proposed.

This bill promotes no one, but gives to these officers the pay of the rank they now hold corresponding to their present rank with army officers.

The views of the Department relating to this condition are expressed in the following Secretary's Report, 1906, page 16:

> The Department's attention has been called, by certain of the older rear-admirals on the retired list, to the fact that, owing to the provision in the personnel bill that the pay of officers retired before its passage should not be increased, they receive only 80 per cent of the pay of officers of the same rank who have been retired since its enactment. While it can not be considered a grievance for one officer that a brother officer receives increased pay, his own not being diminished, but remaining as it was previously, there is still something invidious in an apparent discrimination of this nature; and, in view of the fact that the number of these retired rear-admirals is small, that they are the oldest officers of their rank in the service, and that they are excluded from the provision attached to the last naval appropriation bill allowing an advancement in rank to officers already on the retired list, I recommend a careful consideration of their application by Congress.

These officers are the oldest surviving officers of the civil war and who have been heretofore omitted in legislation which has greatly benefited their juniors in service.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1223.

TO ENCOURAGE PRIVATE SALMON HATCHERIES IN ALASKA.

MARCH 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUMPHREY, of Washington, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 19089.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 19089) to encourage private salmon hatcheries in Alaska, submits the following report:

The bill is intended to encourage private salmon hatcheries in Alaska. It asks for no appropriation, and its purpose is only to give to any person who will operate a private salmon hatchery an appropriate hatchery site, not exceeding 40 acres of nonmineral land, together with the use of the necessary adjacent tide lands, the necessary fresh and salt waters, and the necessary roads for ways of ingress and egress. It also gives such person the right to take and use any timber, stone, or other material from any public lands for the necessary construction, use, and maintenance of said hatchery. There are many hundreds of thousands of acres in Alaska of public lands that are practically worthless for any purpose, and it seems to your committee that if any person will comply with the terms of the bill he should be given what is granted thereby.

The salmon hatcheries of Alaska are the greatest in the world.

The value of the pack for 1907 will approximate $12,000,000, and the committee feels that this industry should be given every reasonable assistance.

The committee therefore recommends the passage of the bill.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1224.

TO EQUALIZE AND FIX THE PAY OF THE NAVY AND THE MARINE CORPS, AND FOR OTHER PURPOSES.

MARCH 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FOSS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 17527.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 17527) to equalize and fix the pay of the Navy and the Marine Corps, and for other purposes, having had the same under consideration, report the same to the House with the recommendation that it do pass.

This bill equalizes and harmonizes on the consistent basis of length of service the pay of the two great arms of the organized force of the Government, the military and naval services.

The law now provides that the pay of the commissioned officer of the Marine Corps, and of the line and the medical and pay corps of the Navy, shall be the same as that provided for officers of the Army of corresponding rank and length of service, and it seems only just and equitable that all commissioned officers, of whatever branch or corps, should be placed on the same footing as to pay and allowances.

At present the naval constructors, civil engineers, chaplains, and professors of mathematics are the only commissioned officers not on this basis and are all receiving different rates of pay.

An advantage of this bill is that it simplifies the navy pay table and places all officers on an equal footing at the beginning, and provides for similar consideration as they pass on in grade, and in this way removes one of the most frequent sources of discontent and unrest. The varying rates of pay that are in force to-day for line officers, naval constructors, civil engineers, professors of mathematics, and chaplains are all eliminated without injustice to the vested rights of anyone.

As rank is a necessary adjunct to every commission, it follows that the first commission that an officer receives assigns a certain rank to him, and it is most appropriate that the rank should form the basis of pay and all pay tables should be constructed with this point in view. It then naturally follows that similar rank should receive similar pay and on this basis this bill was framed and it is believed that the army pay should form the basis and all officers of whatever branch or corps should be paid according to their corresponding rank with officers of the Army.

The pay of midshipmen, warrant officers, mates, and paymaster clerks is increased by 25 per cent in this bill because they are not commissioned officers and have no officer of corresponding rank in the Army. The necessity for this increase is on account of the increased cost of living and other expenses, not alone those also required by civilians, but those which by law or regulations these officers are compelled to supply themselves.

To carry out the intention of this bill by placing all officers on a footing with those in the Army, provision is made that midshipmen after graduation from the Naval Academy shall receive the pay and allowances of second lieutenants, not mounted, which is that given military cadets after their graduation from West Point. The midshipmen are underpaid and it is in the interest of the service and the country that they should be paid sufficient to meet actual and reasonable expenses which are forced upon their positions.

It has been shown that the great majority start out in debt, and on the present pay it is impossible to live as is intended our officers should do and keep free of debt, no matter how economical they may be. Your committee believes that such conditions should not exist and that ample means should be provided the officers of both the Army and Navy to enable them to maintain their positions in a creditable manner.

The present law provides that officers and men of honorable service shall, when retired, receive three-fourths of the active pay of their grade, and this bill simply carries out that provision by making their future pay three-fourths of that provided for their grade by this act for the active list. Otherwise officers and men on the retired list, many of whom served during the civil war, would receive less pay than those retired after the passage of this bill, although junior by many, many years to the old veterans, the great majority of whom now need the increase for the same reason that it is proposed to give it to officers and men of the active list.

Section 4 of the bill provides, as is usual, that the present pay shall in no case be reduced.

To the end that the House may be fully informed as to all laws pertaining to pay for the Navy, your committee gives a full and complete statement of all pay tables since the first was adopted March 27, 1794, with such other data and information as bear on the main features of this bill, the main object of which is to place all commissioned officers of the Navy and Marine Corps on the pay of officers of corresponding rank and length of service in the Army.

NAVY PAY.

Congress in an act approved March 27, 1794, entitled "An act to provide a naval armament" established the first navy pay table, as follows, viz:

[Act of March 27, 1794, "An act to provide a naval armament."]

	Pay per month.	Rations per day.		Pay per month.	Rations per day.
[illegible]	$75	6	Surgeon's mate	$30	2
[illegible]	40	3	Purser	40	2
[illegible]	25	2	Boatswain	14	2
[illegible]	30	2	Gunner	14	2
[illegible]	15	2	Sailmaker	14	2
[illegible]	30	2	Carpenter	14	2

The following pay table is from an unofficial Navy Register of 1800 and shows some slight increases in pay and in the number of rations:

[From unofficial Navy Register.]

	Pay per month.	Rations per day.[a]		Pay per month.	Rations per day.[a]
The commanding officer of the Navy while in actual service	$100	16	Commanders of galleys	$40	3
Captains commanding ships of 32 guns and upward	100	6	Sailing masters	40	2
Commanders of ships of 20 and under 32 guns	75	6	Surgeons	50	2
Master commandants	60	5	Surgeons' mates	30	2
Lieutenants commanding	50	4	Pursers	40	2
Lieutenants	40	3	Boatswains	20	2
			Gunners	20	2
			Sailmakers	20	2
			Carpenters	20	2
			Midshipmen	19	1

[a] Officers commanding squadrons to have double allowance of rations.

With a few modifications and additions this table remained in effect until March 3, 1835, when an act was approved entitled "An act regulating the pay of the Navy of the United States," the first results of a systematic effort to establish the pay of the Navy on a just and equitable basis.

The pay table established by this act shows careful consideration, and probably met fairly well the needs of the service at that time. It has been the basis of all subsequent legislation affecting the pay of the Navy, prior to the act of March 3, 1899, known as the "Personnel Bill."

[Register of 1838. Act of March 3, 1835, "Regulating pay of Navy."]

Rank.	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Senior captain in service	$4,500	$4,500	$3,500
Captains of squadrons	4,000	3,500	2,500
Commanders	2,500	2,100	1,800
Lieutenants	1,800	1,500	1,200
Surgeons:[a]			
First 5 years	1,333-1/3	1,250	1,000
Second 5 years	1,600	1,500	1,200
Third 5 years	1,866-2/3	1,750	1,400
Fourth 5 years	2,133-1/3	2,000	1,600
After 20 years	2,400	2,250	1,800
Passed assistant surgeons	1,200	950	650
Pursers	480	480	480
Chaplains	1,200	800	800
Professors of mathematics	1,200	1,200	1,200
Boatswains (gunners, carpenters, and sailmakers)	600-750	600	360

[a] Fleet surgeons 50 per cent above leave pay.

All officers except pursers allowed 1 ration per day at sea.
Pursers not included in this act.

The pursers at this time carried stocks of provisions and clothing which were sold to the men by the purser for his own personal account; but in 1842 this was changed by further legislation regulating the pay of pursers and the adoption of the following:

[Act approved August 26, 1842, "Regulating the pay of pursers."]

	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Pursers:			
Ships of the line	$3,500		
Sloop	2,500		
Frigates	2,000		
Brigs and schooners	1,500		
Navy-yards—			
Boston, New York, Norfolk, and Pensacola		$2,000	(a)
Portsmouth, Philadelphia, and Washington		1,500	
Naval stations		1,000	
Receiving ships: Boston, New York, and Norfolk		2,000	
All other places		1,000	

a Pay on leave or waiting orders same as surgeons.

No further important legislation occurred affecting the pay of the Navy until 1860, when "An act to increase and regulate the pay of the Navy of the United States" was passed and approved June 1, 1860.

[Act of June 1, 1860, "To increase and regulate the pay of the Navy of the United States."]

Rank.	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Senior flag officer	$4,500		
Captain, commanding squadron	5,000		
Captain	4,200	$3,600	$3,000
Commander:			
First five years	2,825	2,662	2,250
Second five years	3,150	2,825	2,250
Lieutenant, commanding	2,550		
Lieutenant	1,500	1,500	1,200
After 7 years' sea service in the Navy	1,700	1,600	1,266
After 9 years' sea service in the Navy	1,900	1,700	1,333
After 11 years' sea service in the Navy	2,100	1,800	1,400
After 13 years' sea service in the Navy	2,250	1,875	1,450
Fleet surgeons	3,300		
Surgeons—			
First five years	2,200	2,000	1,600
Second five years	2,400	2,200	1,800
Third five years	2,600	2,400	1,900
Fourth five years	2,800	2,600	2,100
After twenty years	3,000	2,800	2,300
Passed assistant surgeons	1,500	1,400	1,100
Assistant surgeons	1,250	1,050	800
Paymasters—			
First five years	2,000	1,800	1,400
Second five years	2,400	2,100	1,600
Third five years	2,600	2,400	1,800
Fourth five years	2,900	2,600	2,000
After twenty years	3,100	2,800	2,250
Chaplains. [To be paid as lieutenants.]			
Professors of mathematics	1,800	1,800	960
Masters	1,200	1,100	825
Naval constructors		2,600	1,800

This table is simply an amplification of that of [illegible]h 3, 1835, in which the longevity feature is introduced, undou[illegible]tv[illegible] an effort to compensate as far as possible for a stagnation in pr[illegible]on.

In an act approved July 16, 1862, a further revision of the pay of the line of the Navy is made:

[Act of July 16, 1862. Navy Register, September 1, 1862.]

Rank.	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Rear-admirals	$5,000	$4,000	$3,000
Commodores	4,000	3,200	2,400
Captains	3,500	2,800	2,100
Commanders	2,800	2,240	1,680
Lieutenant-commanders	2,343	1,875	1,500
Lieutenants	1,875	1,500	1,200
Masters (now lieutenants, junior grade)	1,500	1,200	960
Ensigns	1,200	960	768

In this table the longevity feature disappears entirely, the rapid promotion of the war period rendering it unnecessary.

From 1862 to 1870 there was no general legislation affecting the pay, though there was some for particular corps. In an act approved July 15, 1870, a general revision of the pay table was made:

Navy pay table.

[Act of July 15, 1870.]

Rank.	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Admiral	$13,000	$13,000	$13,000
Vice-admiral	9,000	8,000	6,000
Rear-admirals	6,000	5,000	4,000
Commodores	5,000	4,000	3,000
Captains	4,500	3,500	2,800
Commanders	3,500	3,000	2,300
Lieutenant-commanders:			
First four years after date of commission	2,800	2,400	2,000
After four years from date of commission	3,000	2,600	2,200
Lieutenants:			
First five years after date of commission	2,400	2,000	1,600
After five years from date of commission	2,600	2,200	1,800
Masters:			
First five years after date of commission	1,800	1,500	1,200
After five years from date of commission	2,000	1,700	1,400
Ensigns:			
First five years after date of commission	1,200	1,000	800
After five years from date of commission	1,400	1,200	1,000
Midshipmen	1,000	800	600
Cadet midshipmen	500	500	500
Mates	900	700	500
Fleet surgeons, fleet paymasters, and fleet engineers	4,400	.....	.....
Surgeons, paymasters, and chief engineers:			
First five years after date of commission	2,800	2,400	2,000
Second five years after date of commission	3,200	2,800	2,400
Third five years after date of commission	3,500	3,200	2,600
Fourth five years after date of commission	3,700	3,600	2,800
After twenty years from date of commission	4,200	4,000	3,000
Passed assistant surgeons, passed assistant paymasters, first assistant engineers:			
First five years after date of appointment	2,000	1,800	1,500
After five years from date of appointment	2,200	2,000	1,700
Assistant surgeons, assistant paymasters, and second assistant engineers:			
First five years after date of appointment	1,700	1,400	1,000
After five years from date of appointment	1,900	1,600	1,200
Naval constructors:			
First five years after date of appointment	.....	3,200	2,200
Second five years after date of appointment	.....	3,400	2,400
Third five years after date of appointment	.....	3,700	2,700
Fourth five years after date of appointment	.....	4,000	3,000
After twenty years from date of appointment	.....	4,200	3,200

Navy pay table—Continued.

Rank.	Pay per annum.		
	At sea.	On shore duty.	On leave or waiting orders.
Assistant naval constructors:			
First four years after date of appointment		$2,000	$1,500
Second four years after date of appointment		2,200	1,700
After eight years from date of appointment		2,600	1,900
Chaplains:			
First five years after date of commission	$2,500	2,000	1,600
After five years from date of commission	2,800	2,300	1,900
Professors of mathematics and civil engineers:			
First five years after date of appointment		2,400	1,500
Second five years after date of appointment		2,700	1,800
Third five years after date of appointment		3,000	2,100
After fifteen years from date of appointment		3,500	2,600

The pay of the Navy as established by this act continued in effect practically unchanged until 1899. The fact that different corps of the Navy received different pays in the same rank, and that the pay of the Navy as a whole was less, rank for rank, than that of the Army and Marine Corps, led to the enactment of the sections relating to pay in H. R. 10403, Fifty-fifth Congress, third session, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, generally known as the "Personnel Bill."

After extended hearings and careful inquiry your committee recommended the passage of that act. This act as it passed the House of Representatives placed all officers of the Navy, except chaplains and naval constructors, on the same pay, rank for rank, as the officers of the Army.

The act was amended in the Senate to include the chaplains and naval constructors in the proposed army pay, and also to increase the pay of all sea-going officers below the grade of captain 15 per cent when at sea and to reduce it 15 per cent when on shore duty.

The act as finally adopted, after conference, provided army pay for the line, Medical and Pay Corps only, omitting all others, and reducing the pay of the corps placed on the army basis 15 per cent when on shore duty.

The efforts of the Naval Committee to establish a uniform basis of pay did not therefore meet with entire success, the result being special legislation for particular corps, and not entirely satisfactory as far as those corps were concerned.

Such legislation always has and always will lead to dissatisfaction. The bill now before the House aims to carry out the full intent of the act of March 3, 1899.

The object of the bill now before the House is to place all other corps on army pay instead of the old navy pay.

In order that the House may have a clear understanding of the comparatively small number involved in this change, the following approximate statement is submitted:

All officers of the line and the Medical and Pay Corps of the Navy now receive army pay. The total number January 1, 1908 (active list) is 1,442.

The total number which will be added to the army pay list under this bill is 154, and at the present army pay rates would be about $5,000 in cost per annum. This includes the four staff corps not now on army pay, chaplains, professors of mathematics, naval constructors, and civil engineers.

The officers of the line and the Medical and Pay Corps received 15 per cent less than army pay when on shore duty from March 3, 1899, until June 29, 1906, when the proviso in section 13 of the personnel bill was repealed.

Should this bill become a law, the result will be to place all commissioned officers of the Army, Navy, and Marine Corps on exactly the same basis as to pay, thus removing the feeling that there is a discrimination in favor of one service over another, or in favor of one corps over another in the same service.

It is not claimed or believed that this bill will prove a cure for all evils. The laws affecting promotion, and the numbers allowed by law in the various grades of each corps, affect the pay received by a corps as a whole, or the average pay of an individual for his entire service.

It is believed, however, by your committee that, rather than provide special pays for each corps in an effort to offset the hardships due to incorrect grading and irregular promotion, it is better to place the pay on a uniform basis for all services and corps, and to make such future readjustments in the various grades of a corps as experience shows to be necessary. In other words, we start with a uniform and fixed basis of pay for the various corps of all military services, and propose to adjust the grading of the corps to fit the pay, instead of continuing the reverse process which has been tried and found unsatisfactory.

No argument should be necessary to show the exact justice of placing all officers—Army, Navy, and Marine Corps—on the same basis as to pay. Equal rank implies equal duties and responsibilities, and should carry with it equality of pay.

No objection is offered to this bill by any corps or officer of the Navy, as far as we have been able to ascertain. It is believed that it will give practically universal satisfaction. The bill, in effect, not only meets with the approval of your committee, but of all officers of the Navy, Army, and Marine Corps.

PAY OF THE ARMY.

There appears to be some uncertainty in the minds of the members as to the exact meaning of "army pay," and a feeling that the pay of an individual may be an uncertain or variable quantity. In fact "army pay" is definite and exact. But two elements enter into it, rank and length of service. Knowing these two, the pay is fixed. This pay table is inserted in the body of the report for examination, and is as follows:

Present annual pay of commissioned officers of the Army and Marine Corps, with corresponding rank of the Navy (act of July 15, 1870).

[This table now applies to officers of the line and the Medical and Pay Corps of the Navy, but not to other commissioned officers.]

Grades.	R. S. 1261.	R. S. 1262, 1263, 1267, July 15, 1870.			
	First 5 years.	Second 5 years.	Third 5 years.	Fourth 5 years.	After 20 years.
General or admiral (Act June 1, 188[illegible]	$13,500	$13,500	$13,500	$13,500	$13,500
Lieutenant-general or vice-admiral	11,000	11,000	11,000	11,000	11,000
Major-general or rear-admiral	7,500	7,500	7,500	7,500	7,500
Brigadier-general or commodore	5,500	5,500	5,500	5,500	5,500
Colonel or captain	3,500	3,850	4,200	4,500	4,500
Lieutenant-colonel or commander	3,000	3,300	3,600	3,900	4,000
Major or lieutenant-commander	2,500	2,750	3,000	3,250	3,500
Captain, mounted, or lieutenant	2,000	2,200	2,400	2,600	2,800
Captain, not mounted, or lieutenant	1,800	1,980	2,160	2,340	2,520
First lieutenant, mounted, or lieutenant, junior grade	1,600	1,760	1,920	2,080	2,240
First lieutenant, not mounted, or lieutenant, junior grade	1,500	1,650	1,800	1,950	2,100
Second lieutenant, mounted, or ensign	1,500	1,650	1,800	1,950	2,100
Second lieutenant, not mounted, or ensign	1,400	1,540	1,680	1,820	1,960

Pay of the active and retired lists by Dick-Capron pay bill.

ACTIVE LIST.

* Grade.	Base pay.	After 5 years.	After 10 years.	After 15 years.	After 20 years.
General	$14,850.00	.....	.....	.....	.....
Lieutenant-general	12,100.00	.....	.....	.....	.....
Major-general	8,625.00	.....	.....	.....	.....
Brigadier-general	6,325.00	.....	.....	.....	.....
Colonel	4,200.00	$4,620.00	$5,040.00	$5,460.00	$5,880.00
Lieutenant-colonel	3,600.00	3,960.00	4,320.00	4,680.00	5,040.00
Major	3,300.00	3,300.00	3,600.00	3,900.00	4,200.00
Captain, mounted	2,500.00	2,750.00	3,000.00	3,250.00	3,500.00
Captain, not mounted	2,250.00	2,475.00	2,700.00	2,925.00	3,150.00
First lieutenant, mounted	2,000.00	2,200.00	2,400.00	2,600.00	2,800.00
First lieutenant, not mounted	1,875.00	2,062.50	2,250.00	2,437.50	2,625.00
Second lieutenant, mounted	1,875.00	2,062.50	2,250.00	2,437.50	2,625.00
Second lieutenant, not mounted	1,750.00	1,925.00	2,100.00	2,275.00	2,450.00

RETIRED LIST.

General	$11,137.50	.....	.....	.....	.....
Lieutenant-general	9,075.00	.....	.....	.....	.....
Major-general	6,468.75	.....	.....	.....	.....
Brigadier-general	4,743.75	.....	.....	.....	.....
Colonel	3,150.00	$3,465.00	$3,780.00	$4,095.00	$4,410.00
Lieutenant-colonel	2,700.00	2,970.00	3,240.00	3,510.00	3,780.00
Major	2,475.00	2,475.00	2,700.00	2,925.00	3,150.00
Captain, mounted	1,875.00	2,062.50	2,250.00	2,437.50	2,625.00
Captain, not mounted	1,687.50	1,856.25	2,025.00	2,193.75	2,362.50
First lieutenant, mounted	1,500.00	1,650.00	1,800.00	1,950.00	2,100.00
First lieutenant, not mounted	1,406.25	1,546.87	1,687.50	1,828.12	1,968.75
Second lieutenant, mounted	1,406.25	1,546.87	1,687.50	1,828.12	1,968.75
Second lieutenant, not mounted	1,312.50	1,443.75	1,575.00	1,706.25	1,837.50

* [illegible] officers are to receive 25 per cent increase on present pay.

This table is based partly on rank and partly on length of service. The longevity features offer some compensation for a stagnation in promotion. Under this table the pay is equal for equal rank and length of service, but for equal rank and different lengths of service gives the higher pay to the officer of longer service. The official

records will show that since the organization of the naval service, more than a hundred years ago, up to the present hour the pay of its officers generally has been less, grade by grade, than that of the Army officers. Two reasons for this in the beginning are now wholly obsolete. The Navy was really organized as a temporary service to destroy piracy. Long since its temporary character has passed away. It is now not only a permanent institution, but the one upon which rests our protection and peace at home and abroad.

The other reason was the maintenance by law of a promblematical compensation to be derived from prize money. This law was wisely repealed by section 13 of the personnel act of 1899. The discrimination between the Army and Navy services in the matter of pay to the detriment of the Navy was the subject of earnest consideration by Congress so far back as 1834, when two exhaustive reports were made to the House of Representatives by a special committee appointed to consider the subject. These reports are too long to be inserted with this one, but they may be found as House Report 295, Twenty-third Congress, first session, dated February 28, 1834, and House Report 467, Twenty-third Congress, first session, dated May 17, 1834. The result was the adoption of a Pay Table found appended hereto (March 3, 1835), which made very substantial progress toward, but did not by any means wholly remove the discrimination and place these services on the same basis. It is simple justice therefore, long deferred, that this be done.

COST PER H. R. BILL 17527 FOR OFFICERS NOT AT PRESENT ON ARMY PAY, AND FOR INCREASES TO OTHERS MENTIONED.

All chief boatswains, chief gunners, chief carpenters, and chief sailmakers rank with but after ensigns and receive the pay and allowances of second lieutenants not mounted, consequently are classed with other commissioned officers as on Army pay.

The increases carried by this bill as it now stands will be as follows, viz:

For—	Estimated pay.	Present pay.	Difference.
100 boatswains	$157,625	$126,100	$31,525
94 chief gunners	146,000	116,800	29,200
72 carpenters	111,250	89,800	21,450
250 warrant machinists	432,075	342,700	89,375
24 pharmacists	45,425	36,100	9,325
66 mates	74,250	59,400	14,850
151 pay clerks	277,100	231,500	45,600
950 midshipmen	563,750	475,000	118,750
24 chaplains	75,740	75,300	440
14 professors of mathematics	47,940	43,800	4,140
75 constructors	(a)	240,200	.....
41 civil engineers	(a)	105,300	.....
			364,655
Increase for "passed" midshipmen as second lieutenants	.....	.....	249,600
			614,255

a No increase.

Statement showing estimates and increase necessary, under "Pay of the Navy," based on the Dick-Capron pay bill to equalize the pay of the Army, Navy, Marine Corps, and Revenue-Cutter Service, and for other purposes, showing increase for only officers (active and retired).

	Amount necessary under present law.	Estimate under Dick-Capron bill.	Increase over estimates, fiscal year 1909.
3,164 officers, active list	$6,731,865	$8,177,839	$1,445,974
Commutation of quarters for officers	275,000	275,000	.....
950 midshipmen under instruction	475,000	593,750	118,750
716 officers, retired list	2,124,479	2,520,341	395,862
157 officers, active duty, extra pay	139,405	174,211	34,806
185 clerks	231,500	277,100	45,600
39,000 petty officers, seamen, enlisted men (pay and allowances)	15,444,000	15,444,000	.....
2,500 apprentice seamen at training stations and on practice ships	480,000	480,000	.....
202 enlisted men on the retired list	116,352	116,352	.....
Interest on deposits by enlisted men, act of February 9, 1892	44,000	44,000	.....
Total	26,061,601	28,102,593	2,040,992

Statement showing estimates and increase necessary under "Pay of the Navy," based on the Dick-Capron pay bill to equalize the pay of the Army, Navy, Marine Corps, and Revenue-Cutter Service, and for other purposes.

	Amount necessary under present law.	Estimate under Dick-Capron bill.	Increase over estimate fiscal year 1909.
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950 midshipmen under instruction	475,000	593,750	118,750
716 officers, retired list	2,124,479	2,520,341	395,862
157 retired officers, active duty, extra pay	139,405	174,211	34,806
185 clerks (25 per cent increase for 151 pay clerks)	231,500	277,100	45,600
39,000 petty officers, seamen, enlisted men (pay and allowances)	15,444,000	16,988,400	1,544,400
2,500 apprentice seamen at training station and on practice ships	480,000	528,000	48,000
202 enlisted men on the retired list	116,352	127,987	11,635
Interest on deposits by enlisted men, act of February 9, 1892	44,000	44,000	.....
Total	26,061,601	29,706,628	3,645,027

ENLISTED MEN.

The above estimates include an increase of 10 per cent over the amounts required by the regular estimates for enlisted men on the active and retired lists. If the proposed bill should become a law, the Navy Department may request the President to approve a pay schedule which will average about 10 per cent more than the present pay for enlisted men.

Increase in appropriation "Pay of the Navy, 1909," by the Dick-Capron pay bill.

Officers on the active list	$1,610,324
Officers on the retired list	395,862
Retired officers performing active duty, extra pay	34,806
Enlisted men on the active list	1,592,400
Enlisted men on the retired list	11,635
Total	3,645,027
Increase for "passed" midshipmen if given the pay of second lieutenants as proposed	249,600
	3,894,627

ENLISTED MEN OF THE TWO SERVICES.

The following statement from an enlisted man will prove interesting:

The Navy wishes that soldiers' pay may be very greatly increased, and every one knows it should be, but not at the expense of the sailor.

The pay of the Navy appears to be the strongest argument the Army finds in presenting their claims for an increase, but they dig very shallow into the subject, with the result that Congress is misled. For instance, they compare *initial* pay only. They do not consider the differences in environments; the fact that a sailor's life at sea is full of hardships compared with their simple life ashore. They do not compare rate for rate, with the *allowances* carried with each. A private in the Army gets $13 per month, his ration, his spring bed, his comfortable and sanitary quarters, his reading room and library, his post school, his pool room, his post exchange, his gymnasium, usually; always shore duty and besides he gets an abundant clothing allowance. What he saves from this allowance is paid him in cash on discharge.

A majority of the men in the Army save money on their clothing. The allowance for a private for three years is not less than $140. This allowance goes with each reenlistment for three years. As he is promoted his allowance for clothing materially increases. The fact that the sailor is at sea most of the time is worth something—not worth much to the sailor—but it is certainly worth more pay, even were the duties not harder, than a soldier always on shore duty. Much time is spent at Guantanimo and like tropical places not less undesirable. When stationed ashore beyond the seas, enlisted men in the Navy are offered no extra inducements. The soldier gets an increase of pay of 20 per cent and is allowed double time on retirement. The sailor gets the ailments which go with such service and nothing more.

An ordinary seaman gets $19 per month pay. He is allowed $60 on first enlistment, which is supposed to give him his first outfit of clothing. The enlisted men get nothing further than this for clothing, although Navy life is harder on clothes than that of the Army. Besides, the clothing in the Army is cheaper. It may be because of the fact that the Army buys in larger quantities. In case of the chief petty officers, who compare with the noncommissioned staff officers of the Army, their clothing costs more in proportion than that of the sailors', because they can not buy ready-made uniforms, but are compelled to have same made by tailors. The chief petty officer of the Navy, besides having to do sea duty, where he is carried away from his family if he be a married man, gets no allowance for separate quarters when stationed on shore; gets no allowance of fuel, light, cooking, and heating apparatus. He does not get the clothing allowance that the noncommissioned staff officer of the Army gets.

A chief electrician in the Navy gets $60 per month under acting appointment; $70 with permanent appointment. He also gets his ration, and that is all. The master electrician (comparative rank) of the Army gets $75 per month, quarters that could not be duplicated for less than $20 per month in civil life, fuel, and light. He gets a clothing allowance of about $175 for each three years' service. On foreign service he gets the 20-per-cent increase in pay and the double time for retirement. He also has at his disposal the reading room, pool room, etc. He is always ashore and can avail himself of the privileges and pleasures which shore duty affords one. It is much easier to save money on shore. The Navy man runs into a strange port and finds everyone has "seen him coming," as is always the case.

The pay of the hospital steward in the Navy is $60 per month and he gets his ration. This is all. The pay of the hospital steward in the Army (sergeant first class) is $45 per month, except the third year it is $46; fourth year, $47 per month. He gets his excellent quarters, modern improvements—bath, kitchen range, etc.; he gets fuel, light, clothing; he is always ashore with his family, and he also is provided with separate quarters. He may live in comfort with his family and not fear being sent to sea at a moment's notice.

Upon being transferred from one post to another he is allowed 1,500 pounds freight in addition to his baggage (150 pounds), and he may easily transport his personal effects without extra expense to him. Regulations give him preference to the position of hospital matron for his wife, which carries with it a ration and fuel in addition to the pay.

It is the same all through the rates; the Army is far and above the Navy when you compare the emoluments of the two services, rate for rate, and take duties into consideration.

PAY OF "PASSED" MIDSHIPMEN.

[From a statement of Pay Inspector Cowie before the Committee on Naval Affairs—on H. R. 17527.]

It may be proper to admit in the start that there is no such grade or rank as "passed" midshipman, but there should be, and unofficially there is. For two years after graduation a midshipman is not a midshipman as that title was originally intended and as it is now understood. A midshipman is a student at the United States Naval Academy just as a cadet is a student at the United States Military Academy. When the cadet is graduated he is assigned to the duty of a second lieutenant and is immediately commissioned a second lieutenant with pay of $1,400 and $1,500 and allowances. The midshipman when graduated *is assigned to the duty of an ensign* (corresponding grade of second lieutenant), *but remains in grade with the students at the Naval Academy* and receives *not* $1,400 or $1,500, as his army cousin receives, but $950 per annum for two years. His status is worse than while at the Naval Academy, for during these two years he has no rights under the pension laws. His status is so peculiar and unique that for the very purpose of clear designation he has been and is unofficially graded as a "passed" midshipman. Why isn't he commissioned an ensign? The ships need ensigns and have no official scope of duty for midshipmen. The regulations have no work for a midshipman, no more than an army regiment has a place for a "cadet"—passed or otherwise.

The regulations require complete uniforms, etc., at graduation and the only garments he can convert and use are overcoat, blouse, and trousers. All his expensive academy outfit is lost to him. The following is a list of what "uniforms" will cost the graduated midshipman:

Full-dress uniform	$64.00
Frock coat	37.00
Cloth blouse (new)	30.00
Undress trousers	13.00
Serge blouse	25.00
Serge trousers	10.00
6 white linen blouses	54.00
6 white linen trousers	30.00
1 boat cloak	32.00
2 mess jackets	18.00
2 white vests	10.00
1 oilskin coat and hat	9.00
1 dress cap, blue	7.00
1 cap, blue	5.00
1 white cap	6.25
2 pair marks	4.00
1 gilt knot	5.50
1 gilt sword knot	1.75
1 sword	16.50
1 belt	4.00
1 dress belt	14.00
1 macintosh	14.00
1 white helmet	4.00
1 pair patent leather shoes	4.00
6 white shirts for uniforms	12.00
1 pair white kid gloves	1.50
Converting academy overcoat	5.00
Converting academy blouse	5.00
Total	441.50

Graduates have very little of any kind of civilian clothing and what they have is of too ancient a brand to be worn by an "officer of the United States Navy," who while on graduation leave must have a civilian outfit. As a graduate he will and should be invited to various functions—day and evening.

In November, 1851, a four-year course for midshipmen was adopted identical in years with the course at West Point, and our Navy in the civil war demonstrated that a four-years' course lays sufficient foundation for good naval officers. In the winter of 1873 it was found that too many midshipmen were being graduated. Many graduates for want of vacancies were given a diploma and one year's pay and returned to civil life. Many suggestions were then offered with a view of reducing the number without taking representation from any Congressional district. On March 3 of that year the law was changed making the course six years. This reduced the number of graduates

33⅓ per cent. It was not then claimed that six years preparation was necessary, but the plan was adopted solely to reduce the number of graduates. The fact then and now is that the midshipman is as well prepared in four years for service as an officer of the Navy as the West Pointer is after four years' work for service as an officer in the Army. Both unquestionably have much to learn, but they are ready for ensign or second lieutenant duty. Both are obliged to do post-graduate work—the midshipman as an acting ensign on board ship at $950 per annum, the West Pointer at Fortress Monroe, Fort Leavenworth, Fort Riley, or with his regiment at $1,400 and $1,500 per year. The West Pointer does not get through his first two years without debt. The midshipman on $950 in two years is in debt a little more than the difference between his pay and the pay of the West Pointer.

This statement is to give the Committee real facts; there is nothing concealed, and to any who may think $30 per month too much for incidentals, I say, do not lose sight of the fact that when a ship enters port it is the duty of both officers and men to seek information and add to the education the country desires and expects them to have.

To this end they should go sight-seeing in every port they enter and visit every place of interest near such port. This they can not do, much as they may desire it, and simply because they have not the means.

It must not be forgotten that these young men are not in civil life, consequently items which may seem extravagant are really part of their outfit.

They must have all articles of civilian's dress as well as uniforms, as they are required to attend functions in both, and I venture to say there is no member of this committee but what desires that our officers and midshipmen shall always appear to advantage, no matter whether on board ship or on shore, in any part of the world where they may be invited as representatives of the United States Navy.

PAY OF OFFICERS.

NAVY AND MARINE CORPS PAY TABLES.

[From Navy Register January 1, 1908.]

TABLE 1.—*Rates of pay of officers of the line, Medical and Pay Corps, prior to July 1, 1899.*

Rank.	At sea.	On shore duty.	On leave or waiting orders.
Rear-admirals	$6,000	$5,000	$4,000
Commodores	5,000	4,000	3,000
Captains	4,500	3,500	2,800
Commanders	3,500	3,000	2,300
Lieutenant-commanders:			
First four years after date of commission	2,800	2,400	2,000
After four years from date of commission	3,000	2,600	2,200
Lieutenants:			
First five years after date of commission	2,400	2,000	1,600
After five years from date of commission	2,600	2,200	1,800
Lieutenants (junior grade):			
First five years after date of commission	1,800	1,500	1,200
After five years from date of commission	2,000	1,700	1,400
Ensigns:			
First five years after date of commission	1,200	1,000	800
After five years from date of commission	1,400	1,200	1,000
Naval cadets	500	500	500
Mates	900	700	500
Medical and pay directors and medical and pay inspectors and chief engineers having the same rank at sea	4,400	.....	.....
Fleet surgeons, fleet paymasters, and fleet engineers	4,400	.....	.....
Surgeons, paymasters, and chief engineers:			
First five years after date of commission	2,800	2,400	2,000
Second five years after date of commission	3,200	2,800	2,400
Third five years after date of commission	3,500	3,200	2,600
Fourth five years after date of commission	3,700	3,600	2,800
After twenty years from date of commission	4,200	4,000	3,000
Passed assistant surgeons and passed assistant paymasters:			
First five years after date of appointment	2,000	1,800	1,500
After five years from date of appointment	2,200	2,000	1,700
Passed assistant engineers:			
First five years after date of appointment	2,000	1,800	1,500
Second five years after date of appointment	2,200	2,000	1,700
Third five years after date of appointment	2,450	2,250	1,900
Fourth five years after date of appointment	2,700	2,350	1,950
Assistant surgeons, assistant paymasters, and assistant engineers:			
First five years after date of appointment	1,700	1,400	1,000
After five years from date of appointment	1,900	1,600	1,200

REMARKS.

1. Any officer of the line, Medical or Pay Corps, commissioned prior to July 1, 1899, is entitled to receive pay according to the then existing law whenever it is in excess of the pay of officers of corresponding rank in the Army. (Acts March 3, 1899, and June 7, 1900.)

2. Naval cadets or midshipmen who were not commissioned prior to July 1, 1899, are not entitled to the old Navy rates of pay. (See Comp. Dec., Sept. 19, 1902, and Oct. 23, 1903.)

3. Acting assistant surgeons appointed under the act of May 4, 1898, are entitled to receive pay as provided for assistant surgeons in the Navy prior to the act of March 3, 1899. (See Comp. Dec., Aug. 31, 1903.)

4. Acting assistant surgeons are entitled to occupy Government quarters when available, but are not entitled to commutation of quarters. (See Comp. Dec., Oct. 5, 1903.)

PRESENT PAY.

TABLE 2.—*Active list: Officers of the line, medical and pay corps of the Navy, and officers of the Marine Corps.*

[Same as army officers of corresponding rank.]

Rank.	Base pay.
Admiral	$13,500
Rear-admirals:	
First nine	7,500
Second nine	5,500
Chiefs of Bureaus and Brigadier-General Comandant of Marine Corps	5,500
Captains, Navy	3,500
Judge-Advocate-General and colonels, Marine Corps, line and staff	3,500
Commanders, Navy	3,000
Lieutenant-colonels, Marine Corps, line and Staff	3,000
Lieutenant-commanders, Navy	2,500
Majors, Marine Corps, line and staff	2,500
Lieutenants, Navy	1,800
Captains, Marine Corps:	
Line	1,800
Staff	2,000
Lieutenants (junior grade), Navy	1,500
First lieutenants and leader of band, Marine Corps	1,500
Ensign, Navy	1,400
Second lieutenants, Marine Corps, chief boatswains, chief gunners, chief carpenters, and chief sailmakers	1,400

REMARKS.

1. (*a*) All officers paid under this table below the rank of rear-admiral or brigadier-general are entitled by law to 10 per centum upon the full yearly pay of their grades for each and every period of five years' service, as increase for length of service, or "longevity pay," computed upon their total actual service in Army, Navy, and Marine Corps; provided that the total amount of such increase shall not exceed 40 per cent upon the full yearly pay of the grade; and provided further that the pay of a captain in the Navy or colonel of Marines shall not exceed $4,500 per annum and that of a commander in the Navy or lieutenant-colonel of Marines $4,000 per annum.

(*b*) By decision of the U. S. Supreme Court (206 U. S., 226) assistant and passed assistant surgeons in the Navy are allowed mounted pay of an army officer of corresponding rank.

2. Army act March 2, 1901, provides: "That hereafter the pay proper of all officers and enlisted men serving (on shore) beyond the limits of the States comprising the Union and the territories of the United States contiguous thereto, shall be increased 10 per centum for officers * * * * * over and above the rates of pay proper as fixed by law in times of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto: *Provided further*, That officers * * * * * who have served in China at any time since the 26th day of May, 1900, shall be allowed and paid for such service the same increase of pay proper as herein provided for."

(*a*) "Officers of the Navy and officers and enlisted men of the Marine Corps who have been detailed or may hereafter be detailed for shore duty in Alaska, the Philippine Islands, Guam, or elsewhere beyond the continental limits of the United States shall be considered as having been detailed for 'shore duty beyond seas,' and shall receive pay accordingly, with such additional pay as may be provided by law for service in island possessions of the United States." (Act March 3, 1901.) "Excepting Porto Rico and Hawaii." (Act June 12, 1906.)

(*b*) Officers on army pay detailed to "shore duty beyond seas" are entitled to 10 per cent increase while taking passage in a naval vessel, army transport, or merchant vessel to their posts of duty. (See Comp. Dec., Feb. 4, 1903; Jan. 20, 1904; June 20, 1905; May 20, 1907.)

(*c*) Officers detached from "shore duty beyond seas" and ordered to the United States are not entitled to the 10 per cent increase while taking passage in a merchant vessel from their posts of duty. (Comp. Dec., Dec. 29, 1904.)

(*d*) The base pay plus longevity increases is the "pay proper" upon which total the 10 per cent increase for "shore duty beyond seas" is computed. (Comp. Dec., Apr. 13, 1905.)

3. Section 13 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," is hereby so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said act, would have been received by any commissioned officer at the time of its passage or thereafter. (Act of June 7, 1900.)

4. Officers of the line, Medical and Pay Corps of the Navy, retired prior to the passage of the act approved March 3, 1899, continue to receive the same pay on the retired list that they received before the passage of said act. Those retired subsequently receive 75 per cent of pay of their rank, including credit for length of service on active list.

(*a*) During a period of twelve years from the passage of this act any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed shall receive the pay and allowances of an officer of the active list of the grade from which he was retired. (Act June 7, 1900.)

(*b*) Officers on the retired list ordered to active duty are not entitled to count the time spent on the retired list in computing their longevity increase of pay. (Comp. Dec., Feb. 4, 1905.)

ALLOWANCES.

The monthly commutation allowance for quarters of the Admiral of the Navy is fixed by law at $125. All other commissioned officers of the line and of the Medical, Pay, and Construction Corps of the Navy, and all officers of the Marine Corps, receive the same allowances, except forage to naval officers, as are or may be provided by or in pursuance of law for the officers of corresponding rank in the Army. Chief boatswains, chief gunners, chief carpenters, chief sailmakers, boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, receive the same allowance for commutation of quarters as second lieutenants of the Marine Corps. The following table below shows allowance of quarters to officers of the Navy, except chaplains with the rank of lieutenant appointed prior to July 1, 1906, and officers of the Marine Corps.

Quarters may be hired for officers "serving with troops" under certain conditions. (See art. 1238 (3), N. R., 1905.)

When quarters are not furnished by the Government, officers will be allowed commutation at the rate of $12 a room for each room of their allowance. (Art. 1240, N. R., 1905.)

Hereafter heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe. (Army appropriation act approved March 2, 1907.) (Art. 1241, N. R., 1905.)

Table showing allowance for quarters and full allowance expressed in cords of oak wood.

Rank.	As quarters (rooms).	Cords of wood per month.		Increased allowance from September 1 to April 30.	
		May 1 to August 31 (Tropics, year round).	September 1 to April 30.	Between thirty-sixth and forty-third degrees north latitude, one-fourth.	North of forty-third degree, one-third.
Rear-admiral, first nine	9	1½	6	1½	2
Rear-admiral, second nine, or officer of higher rank occupying 8 rooms as quarters	8	1½	5½	1⅜	1⅞
Captain or officers of higher rank occupying 7 rooms as quarters	7	1½	5	1¼	1⅔
Commander or officer of higher rank occupying 6 rooms as quarters	6	1⅜	4½	1⅛	1½
Lieutenant-commander or officer of higher rank occupying 5 rooms as quarters	5	1¼	4	1	1⅓
Lieutenant or officer of higher rank occupyiny 4 rooms as quarters	4	1⅛	3½	⅞	1⅙
Lieutenant, junior grade, or officer of higher rank occupying 3 rooms as quarters	3	1	3	¾	.....
Ensign or officer of higher rank occupying 2 rooms as quarters	2	1	2½	⅝	⅚
Officer of any rank occupying 1 room as quarters	1	1	1½	5/16	5/12

Each officer (on army pay and allowances) will be allowed, while occupying public quarters or quarters other than public, where gas, acetylene, electricity, or mineral-oil lamps are installed at the expense of the United States, for each room to which his rank entitles him, for the period between September 1 and April 30, 1,500 cubic feet of gas, or 150 cubic feet of acetylene, of 20,000 watt-hours of electric current, or 4 gallons of mineral oil per month; and from May 1 to August 31, 900 cubic feet of gas, or 90 cubic feet of acetylene, or 12,000 watt-hours of electric current, or 3 gallons of mineral oil per month for each room to which entitled, which allowances may be considered accumulative within a fiscal year, provided that the accumulated allowance shall at no time be exceeded. Where an officer occupies quarters other than public, the lighting of which is measured by separate meter readings, settlement will be made by the Government with the owner or authorized agent of the quarters, or agent of the company supplying the light, for the actual quantity of gas, acetylene, or electric current supplied. Where an officer occupies quarters other than public which are lighted by gas, acetylene, or electricity, and the quantity supplied is not measured by separate meter readings, settlement will be made by the Government with the owner or authorized agent for light for the number of rooms to which the rank of the officer entitles him, in accordance with the prescribed allowance. An officer occupying as quarters a number of rooms less than his authorized allowance will be entitled to mineral oil for such number of rooms only as he actually occupies. (Art. 1241 [1-b, c, d, e], N. R.)

At stations where light is furnished from a Government plant, the charge for an excess used over the prescribed allowance will be the actual cost of manufacture in the case of electricity or gas, or at the actual cost of mineral oil. If the prescribed allowance is exceeded, payment for such excess will be immediately deposited with the yard paymaster through whom the light is furnished. (Art. 1241 [1-f] N. R.)

The approximate equivalents of soft wood and coal, in terms of oak wood, are as follows:

Wood.		Coal.		Gas.	Oil.
Hard.	Soft.	Anthracite.	Bituminous.	Cubic feet.	Gallons.
Stick or sawed, as required.	Stick or sawed, as required.	Any size.			
Cord. 1	*Cords.* 1⅛	*Pounds.* 1,700	*Pounds.* 2,100	6,000	40

A reasonable amount of an officer's allowance of fuel may be purchased in kindling wood, which will be sold on the basis of its equivalent in oak wood.

Fuel may be furnished to officers of the Marine Corps on the active list by the Quartermaster's Department.

TABLE 3.—*Active list: Other officers of the Navy and of others who are paid as officers.*

Rank.	First 5 years after date of commission.			Second 5 years after date of commission.			Third 5 years after date of commission.			Fourth 5 years after date of commission.			After 20 years from date of commission.		
	At sea.	On shore or other duty.	On leave or waiting orders.	At sea.	On shore or other duty.	On leave or waiting orders.	At sea.	On shore or other duty.	On leave or waiting orders.	At sea.	On shore or other duty.	On leave or waiting orders.	At sea.	On shore or other duty.	On leave or waiting orders.
Midshipmen:															
In other than practice ships	$950														
At Naval Academy and elsewhere	500	$500	$500												
Chaplains, with the rank of lieutenant, appointed prior to June 30, 1906				$2,800	$2,800	$1,900									
Professors of mathematics and civil engineers	2,400	2,400	1,500	2,700	2,700	1,800	$3,000	$3,000	$2,100	$3,500	$3,500	$2,600			
Naval constructors	3,200	3,200	2,200	3,400	3,400	2,400	3,700	3,700	2,700	4,000	4,000	3,000	$4,200	$4,200	$3,200
	First 5 years after date of appointment.			Second 5 years after date of appointment.			After 10 years from date of appointment.								
Assistant civil engineers	1,500	1,500	1,000	1,800	1,800	1,200	2,100	2,100	1,400						
	First 4 years after date of appointment.			Second 4 years after date of appointment.			After 8 years from date of appointment.								
Assistant naval constructors	2,000	2,000	1,500	2,200	2,200	1,700	2,600	2,600	1,900						
	First 3 years after date of appointment.			Second 3 years after date of appointment.			Third 3 years after date of appointment.			Fourth 3 years after date of appointment.			After 12 years from date of appointment.		
Warrant officers: Boatswains, gunners, carpenters, sailmakers, pharmacists, and warrant machinists	1,200	900	700	1,300	1,000	800	1,400	1,300	900	1,600	1,300	1,000	1,800	1,600	1,200
	At sea.	Shore duty.	On leave or waiting orders.												
Mates:															
Those in service Aug. 1, 1894	1,200	900	700												
Those appointed since	900	700	500												

[illegible] Navy [illegible] who are paid as officers—Continued

[illegible]	[illegible]	Rank	Per annum
[illegible]	$[illegible]	Paymasters' clerks—Continued	
[illegible]		At navy yards at Portsmouth, Norfolk, and Pensacola	$1,400
[illegible]	[illegible]	At other stations, yards, and receiving ships, in other general corps	[illegible]
[illegible]	[illegible]	Keepers to the general inspector of the Pay Corps, in the Naval Academy and Naval Home, and on vessels on the distant	1,400
Pay [illegible]		On vessels of the second rate and in charge of payments	1,400
[illegible]	[illegible]	On vessels of the third rate and supply vessels and stoneships	1,400
[illegible]	[illegible]		
[illegible]	[illegible]		
[illegible]	[illegible]	

PAY OF THE ENLISTED MEN OF THE NAVY.

The pay for enlisted men of the Navy is provided for under section 1569 of the Revised Statutes of the United States, the act being dated April 18, 1814, and is as follows, viz:

SEC. 1569. The pay to be allowed petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal heavers in the naval service shall be fixed by the President: *Provided,* That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed for any one year the amount which may in such year be appropriated for such purposes.

Sections 16 and 17 of the "personnel bill," dated March 3, 1899, provide for change in enlistment from three to four years and also for retirement of enlisted men after thirty years' service. (See copy of bill, with changes therein to date appended.)

The pay of all enlisted men of the Navy is fixed by the President in accordance with section 1569, Revised Statutes, with the exception of hospital stewards and hospital apprentices, the pay for these ratings being fixed by an act dated June 17, 1898.

The following pay tables, giving that of all enlisted men, with full information as to all allowances, are from the Navy Register of January 1, 1908:

Table showing rates of pay for enlisted men of the Navy, with corresponding rates paid men of the Revenue-Cutter Service, army transports, and Light-House Service.

[Army transports, see pages 338 and 339, Official Register United States, 1905; Light-House Service, pages 1128 and 1129, Official Register United States, 1905.]

	Navy.	Army transports.	Revenue cutters.	Light-House Service.
Master-at-arms	$30-$65	$40	$45-$50	.....
Electricians	30- 60	65	60	.....
Ships' writer	30- 60	50	45- 50	.....
Assistant master-at-arms	30- 40	40	38	.....
Quartermasters	30- 50	40	37- 45	$40-$45
First oiler	37	45	42- 50	.....
Second oiler	.....	45	39- 50	.....
Coxswains	30	40	32- 39	.....
Seamen	24	35	30- 37	30
Ordinary seamen	19	.....	24- 32	.....
Firemen	30- 35	45	32- 47	40
Coal passers	22	35	28- 36	30
Stewards	30- 60	.....	40- 50	50
Cooks	25- 55	.....	37- 45	50

The last general increase was made by President Arthur November 5, 1883, Navy Department General Order 310, dated November 7, 1883, the increase to take effect January 1, 1884. By this order the following increases were made in the rates in which first enlistments occur:

	From—	To—
Landsmen	$15.50	$16.00
Ordinary seamen	17.50	19.00
Seamen	21.50	24.00
Firemen, first class	31.50	35.00
Firemen, second class	26.50	30.00
Coal passers	21.50	22.00

All increases since January 1, 1884, have been in special classes ar for the purpose of encouraging reenlistment and the retention of lon time men in the service.

TABLE No. 4.—*Petty officers, enlisted men, etc.—Navy.*

CLASSIFICATION AND PAY.

Chief petty officers.

Seaman branch.	Monthly pay.	Artificer branch.	Monthly pay.	Special branch.	Monthly
Chief masters-at-arms	$65	Chief machinists' mates	$70	Chief yeomen	$
Chief boatswains' mates	50	Chief electricians	60	Hospital stewards	
Chief gunners' mates	50	Chief carpenters' mates	50	Bandmasters	
Chief turret captains	60	Chief water tenders	50		
Chief quartermasters	50				

Petty officers, first class.

Masters-at-arms, first class	$40	Boilermakers	$65	Yeomen, first class	$
Boatswains' mates, first class	40	Machinists' mates, first class	55	First musicians	
Gunners' mates, first class	40	Coppersmiths	55		
Turret captains, first class	50	Shipfitters, first class	55		
Quartermasters, first class	40	Electricians, first class	50		
		Blacksmiths	50		
		Plumbers and fitters	45		
		Sailmakers' mates	40		
		Carpenters' mates, first class	40		
		Water tenders	40		
		Painters, first class	40		

Petty officers, second class.

Masters-at-arms, second class	$35	Machinists' mates, second class	$40	Yeomen, second class	$
Boatswains' mates, second class	35	Electricians, second class	40		
Gunners' mates, second class	35	Shipfitters, second class	40		
Quartermasters, second class	35	Oilers	37		
		Carpenters' mates, second class	35		
		Printers	35		
		Painters, second class	35		

Petty officers, third class.

Master-at-arms, third class	$30	Electricians, third class	$30	Yeomen, third class	$
Coxswains	30	Carpenters' mates, third class	30	Hospital apprentices, first class	
Gunners' mates, third class	30	Painters, third class	30		
Quartermasters, third class	30				

Seamen, first class.

Seamen gunners	$26	Firemen, first class	$35	Musicians, first class	$
Seamen	24	Shipwrights	25		

Seamen, second class.

Ordinary seamen	$19	Firemen, second class	$30	Musicians, second class	$
				Buglers	
				Hospital apprentices	

TABLE No. 4. *Petty officers, enlisted men, etc.—Navy*—Continued.

CLASSIFICATION AND PAY—Continued.

Seamen, third class.

Seaman branch.	Monthly pay.	Artificer branch.	Monthly pay.	Seaman branch.	Monthly pay.
Apprentice seamen	$16	Coal passers	$22	Landsmen	$16
		Landsmen	16		

COMMISSARY BRANCH.

Chief commissary steward	$70	Ships' cook, fourth class	$25
Commissary steward	60	Bakers, first class	45
Ships' cooks, first class	55	Bakers, second class	35
Ships' cooks, second class	40	Landsmen	16
Ships' cooks, third class	30		

MESSMEN BRANCH.

Stewards to commanders in chief	$60	Steerage stewards	$35
Cooks to commanders in chief	50	Steerage cooks	30
Stewards to commandants	60	Warrant officers' stewards	35
Cooks to commandants	50	Warrant officers' cooks	30
Cabin stewards	50	Mess attendants, first class	24
Cabin cooks	45	Mess attendants, second class	20
Wardroom stewards	50	Mess attendants, third class	16
Wardroom cooks	45		

1. Petty officers of the Navy, performing duty which deprives them of quarters and their rations or commutation thereof, shall receive $9 per month in addition to the pay of their rating. (Art. 1243, par. (5), N. R., 1905.)

2. Subsistence furnished to enlisted persons attached to ships of the Navy, when unavoidably detained on shore, under orders, or absent, by authority for one day or more from the ship to which attached, must be charged to appropriation "Provisions, Navy." During the time of such subsistence their rations shall be stopped on board ship, and no credit for commutation therefor shall be given. (Art. 1582, par. (1), N. R., 1905.)

When such authorized absence is for less than one day, and ration is not checked on pay roll, cost of subsistence shall be paid on sundry service voucher, under appropriation "Pay, Miscellaneous." (See Compt. Dec., Dec. 9, 1907.)

3. Men that have successfully completed a prescribed course of instruction for seamen gunners or petty officers may be given, by the Bureau of Navigation, a certificate to that effect, which shall entitle them to receive $2 per month in addition to the pay of the rating in which they are serving; such certificates to continue in force only during the enlistments in which the men were respectively graduated, unless renewed by reenlistment for four years within four months from date of honorable discharge. This provision shall take effect from and after July 1, 1905, but any enlisted man then in the service that holds such a certificate shall not be deprived of the benefits of the same during the term of enlistment under which he is then serving. Men holding certificates as seamen gunners are entitled to the pay prescribed for said rating and are entitled to reenlist at any time as such at the base rate of $26 per month; but if given any other rating than that of seaman gunner, the holder of a seaman gunner's certificate will not receive additional pay therefor, unless in continuous service. (Arts. 864 and 865, N. R., 1905.)

4. Each enlisted man of the Navy shall receive 75 cents per month, in addition to the pay of his rating, for each good-conduct medal, pin, or bar which he may heretofore have been, or shall hereafter be, awarded. On and after September 5, 1904, the date of the award of a good-conduct medal, pin, or bar shall be the date of the holder's discharge by reason of the expiration of the enlistment for which the medal, pin, or bar is given, the allowance of 75 cents per month to be reckoned from said date of award: *Provided*, That nothing herein contained shall be construed to authorize any change in the date of award of any good-conduct medal, pin, or bar heretofore awarded or to grant any arrears of allowances on account thereof. (Art. 1257, par. (2), N. R., 1905.) (See Compt. Dec., Sept. 29, 1906.)

5. Coxswains detailed as coxswains of boats propelled by machinery, or as coxswains to commanders in chief, shall receive $5 per month in addition to their pay. (General Orders, No. 20, Jan. 20, 1901.)

6. All enlisted men of the Navy shall receive $5 per month in addition to their pay while serving on board of submarine vessels of the Navy. Besides the $5 per month extra pay allowed them for submarine service, enlisted men serving with submarine torpedo boats, and having been reported by their commanding officers to the Navy Department as qualified for submarine torpedo boat work, shall receive $1 additional pay for each day during any part of which they shall have been submerged in a submarine torpedo boat while under way: *Provided, however*, That such further additional pay shall not exceed $15 in any one calendar month. (General Orders, No. 9, Nov. 9, 1905.)

7. Seamen in charge of holds shall receive $5 per month in addition to their pay. (General Order, No. 20, Jan. 20, 1901.)

8. Ordinary seamen detailed as jacks-of-the-dust, or as lamplighters, shall receive $5 per month in addition to their pay. (General Order, No. 178, Nov. 29, 1904.)

9. Enlisted men detailed as crew messmen shall, while so acting, except when assigned as reliefs during the temporary absence of the regular crew messmen, receive extra compensation at the rate of $5 per month. (General Order, No. 61, Oct. 17, 1901, and General Order, No. 79, Jan. 7, 1902.)

10. Enlisted men afloat detained beyond their regular term of enlistment until the return to the United States of the vessel to which they belong, under the provisions of section 1422 of the Revised

Statutes, shall receive for the time during which they are so detained an addition of one-fourth [illegible] their former pay, "computed on the total pay which they are entitled to receive." (Art. 1198, N. R. 1905.)

11. Seamen and ordinary seamen detailed for duty as firemen or coal passers shall receive in addition to the pay of their ratings extra pay at the rate of 33 cents per day for the time so employed. (Art. 1197, N. R., 1905.)

12. Enlisted men of the naval service regularly detailed as signalmen shall receive the following extra compensation in addition to the monthly pay of their rating: Signalmen, first class, $3; signalmen, second class, $2; signalmen, third class, $1. (General Order No. 110, Oct. 22, 1902.)

13. All chief petty officers of the Navy whose pay is not fixed by law, including chief water tenders, who, on or after July 1, 1906, shall receive permanent appointments after qualifying therefor, shall be paid at the rate of $70 a month; those who served under permanent appointments issued prior to said date, or under acting appointments, shall be paid at the rates now in force. The pay of chief water tenders who hold acting appointments shall be $50 a month. (General Order No. [illegible] June 26, 1906.)

14. After October 1, 1906: Executive order, July 25, 1906: enlisted men of the Navy, after having qualified as gun pointers, and who are regularly detailed as gun pointers by the commanding officer of the vessel, shall receive monthly, in addition to the pay of their respective ratings, extra pay as follows:

Heavy gun pointers:
- First class ..... $[illegible]
- Second class .....

Intermediate gun pointers:
- First class .....
- Second class .....

Secondary gun pointers:
- First class .....
- Second class .....

(a) Extra pay, except as given under General Order No. 57 (see below), shall be allowed a qualified gun pointer during not less than two years from and after the date of his qualifying, but [illegible] while he is regularly detailed as a gun pointer at a gun of the class at which he qualified. (Art. [illegible] par. [illegible], N. R., 1906.)

(b) "The extra pay allowed gun pointers in accordance with Executive order of July 25, [illegible] above, shall be allowed a gun pointer regularly detailed as a gun pointer of the class at which he [illegible] qualified only as long as he remains qualified: *Provided*, This order shall be construed as [illegible] only gun pointers who qualify subsequent to November 28, 1907." (General Order No. 57, [illegible])

15. Enlisted men of the Navy regularly detailed by the commanding officer of a vessel as gun captains, except at secondary battery guns, shall receive, in addition to the pay of their respective ratings, $5 per month, which, in the case of men holding certificates as gun captains or of graduates from the gun captain class, petty officers' school, shall include the $2 per month to which such certificates entitle them. (General Order, No. 57, July 25, 1906.) (Art. 1257, par. (1), N. R., 1905.)

16. Any enlisted men of the Navy detailed to perform the duties of "ship's tailor" on board a vessel having a complement of 300 men or more, exclusive of marines, shall receive $20 per month in addition to the monthly pay of his rating; on a vessel having a complement of from 200 to 300, exclusive of marines, $15 per month in addition to the monthly pay of his rating; on a vessel having a complement of less than 200 men, exclusive of marines, $10 per month in addition to the monthly pay of his rating. Any enlisted man of the Navy detailed as "tailor's helper" on board a vessel having a complement of 300 men or more, exclusive of marines, shall receive $10 per month in addition to the monthly pay of his rating: *Provided*, That the total pay of an enlisted man detailed as "ship's tailor" shall not exceed $50 per month, and of "tailor's helper" $[illegible] per month. (General Order, No. [illegible], June 6, 1906.)

17. To [illegible] the pay now prescribed [illegible] per month during the first period [illegible] every subsequent period of [illegible] United States, and whose second [illegible] in the Navy that was terminated [illegible] the increased pay named herein. [illegible] discharged from the Navy [illegible] date of this order shall be [illegible] increased pay provided by [illegible] of medical survey shall, if [illegible] service in the Navy which was [illegible] order, Nov. 27, 1906. [illegible]

[illegible] men at naval stations [illegible] to their pay [illegible] pay for special duty [illegible]

[illegible], apprentice petty [illegible] seamen at [illegible] $50, and $[illegible] pay for special duty [illegible]

[illegible] hospital apprentices are [illegible] law. (Act June 17, 189[illegible])

[illegible] receive, on first enlistment [illegible] 1907.)

[illegible] to possess complete [illegible]

[illegible] during the first six [illegible] line of duty shall have [illegible] outfit allowed on first [illegible]

A [illegible] term of enlistment, or who [illegible] term of service [illegible]

less than three years, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of $1.36 per month to the pay prescribed for the rating in which he serves for each consecutive reenlistment. (Art. 838, N. R., 1905.)

23. Twenty cents per month is deducted from the pay of each enlisted man of the Navy, to be applied to the fund for naval hospitals. (Sec. 4808, R. S.)

24. Enlisted men of the Navy discharged by reason of expiration of enlistment shall be furnished at time of discharge, in lieu of transportation and subsistence, travel allowance of 4 cents per mile for travel performed within the United States to place of enlistment, as provided by article 881, paragraphs (1), (2), and (3), N. R., 1905.

25. The Secretary of the Navy is authorized to enlist in the insular force, United States Navy, which is hereby established, not to exceed 500 Filipinos, in the following ratings and at the rates of pay indicated.

TABLE No. 5.—*Insular force, United States Navy.* (*G. O., No. 40, Apr. 8, 1901.*)

Rates.	Monthly pay.
Native coxswains	$15.00
Native seamen	12.00
Native ordinary seamen	10.00
Native machinists, first class	28.00
Native machinists, second class	20.00
Native firemen, first class	18.00
Native firemen, second class	15.00
Native coal passers	11.00
Native stewards	15.00
Native cooks	13.00
Native mess attendants	8.00

Noncommissioned officers, musicians, and privates—Marine Corps.

[Same as Army.]

Grade.	First five years.					Sixth to tenth year.	Eleventh to fifteenth year.	Sixteenth to twentieth year.	Twenty-first to twenty-fifth year.	Class 3.
	First year.	Second year.	Third year.	Fourth year.	Fifth year.					
Sergeant-major	$34	$34	$35	$36	$37	$39	$40	$41	$42	$37
Quartermaster-sergeant	34	34	35	36	37	39	40	41	42	37
Drum major	25	25	26	27	28	30	31	32	33	28
Gunnery sergeant	35	35	36	37	38	40	41	42	43	38
First sergeant	25	25	26	27	28	30	31	32	33	28
Sergeant	18	18	19	20	21	23	24	25	26	21
Corporal	15	15	16	17	18	20	21	22	23	18
Drummer and trumpeter	13	13	14	15	16	18	19	20	21	16
Private	13	13	14	15	16	18	19	20	21	16
Second leader of band	75	75	76	77	78	80	81	82	83	78
Musician, first class	60	60	60	60	60	60	60	60	60	60
Musician, second class	50	50	50	50	50	50	50	50	50	50

NOTE.—1. The leader of the United States Marine Band shall have the pay and allowances of a first lieutenant. (Act March 3, 1899.)

2. Class 3 is the term used to designate pay of men who have ever received reenlistment pay under the act of August 4, 1854, but have allowed a longer period than three months to elapse before again enlisting. The amount is the same as that received by a man serving in his fifth year of a first enlistment.

3. Twenty cents per month will continue to be deducted from the above rates, as usual, for the Naval Hospital Fund. (Sec. 4808, R. S.)

4. Members of the Marine Band are allowed $4 per month in addition to rates of pay as given above for playing at the White House and public grounds, under the provisions of the act of Congress of August 18, 1856.

5. "From and including July 1, 1904, all enlisted men of the U. S. Marine Corps regularly detailed as gun pointers, messmen, or signalmen, or holding good-conduct medals, pins, or bars, shall receive the same extra compensation, in addition to their monthly pay, as is now or may hereafter be allowed enlisted men of the Navy: *Provided*, That nothing herein contained shall be construed to entitle any person to back pay for medals, pins, or bars held, or for other services rendered as hereinbefore referred to, or otherwise." Art. 1257, par. (13), N. R., 1905. Enlisted men of the Marine Corps regularly detailed as messmen, whether for duty afloat or ashore, may be paid additional compensation as provided for by regulations, approved and promulgated by the Secretary of the Navy (13 Comp. Dec., 136).

6. Privates regularly detailed as cooks ashore shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, $10 per month; second-class cooks, $8; third-class cooks, $7; and fourth-class cooks, $5. (Act March 2, 1907.)

7. Enlisted men qualifying as expert riflemen shall receive in addition to their pay, $3 per month; those qualifying as sharpshooters, $2 per month; and those qualifying as marksmen, $1 per month. (Act June 12, 1906.)

8. For additional 20 per cent increase on pay of enlisted men serving ashore beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii) as provided by act approved June 30, 1902, the time of such service to be counted from date of departure from said States to the date of return thereto. (Act June 12, 1906.)

TO EQUALIZE AND FIX THE PAY OF THE NAVY AND MARINE CORPS.

Tables showing present pay of the active list of officers of the Navy with total estimate for each branch based on current pay:

Present pay of officers of the Navy, active list.

[Estimates based on present pay of officers on the active list of the Navy.]

Rank.	Amount.	Total.
1 Admiral of the Navy	$13,500	$13,500
10 rear-admirals (major-general)	7,500	75,000
1 rear-admiral (major-general, chief of bureau)	7,500	7,500
11 rear-admirals (brigadier-general)	5,500	60,500
3 captains (chiefs of bureau)	5,500	16,500
1 captain (Judge-Advocate-General)	4,500	4,500
3 captains (assistants to bureau)	4,500	13,500
75 captains (after 20 years' service)	4,500	337,500
1 captain (after 20 years' service; beyond seas)	4,950	4,950
122 commanders (after 20 years' service)	4,000	488,000
4 commanders (after 20 years' service; beyond seas)	4,400	17,600
205 lieutenant-commanders	3,500	717,500
4 lieutenant-commanders (beyond seas)	3,850	15,400
125 lieutenants (after 5 years from date of commission; old pay)	2,600	325,000
230 lieutenants (first 5 years after date of commission; old pay)	2,400	552,000
4 lieutenants (first 5 years after date of commission; beyond seas)	2,640	10,560
8 lieutenants (junior grade; second 5 years)	1,800	14,400
417 ensigns	1,544	642,180
385 midshipmen (performing duty at sea)	950	365,750
		3,681,840
1 medical director (chief of bureau)	5,500	5,500
14 medical directors (captains, after 20 years' service)	4,500	63,000
13 medical inspectors (commanders; old pay)	4,400	57,200
2 medical inspectors (fleet surgeons; old pay)	4,400	8,800
1 surgeon (assistant to bureau; old pay)	4,200	4,200
30 surgeons (lieutenant-commanders, after 20 years' service)	3,500	105,000
1 surgeon (lieutenant-commander, after 20 years' service; beyond seas)	3,850	3,850
18 surgeons (lieutenant-commanders, fourth 5 years)	3,500	63,000
31 surgeons (lieutenant-commanders, third 5 years)	3,250	100,750
3 surgeons (lieutenant-commanders, third 5 years; beyond seas)	3,575	10,725
3 surgeons (lieutenant-commanders, second 5 years)	3,000	9,000
10 passed assistant surgeons (after 5 years from date of appointment; old pay)	2,400	24,000
114 passed assistant surgeons (lieutenants, second 5 years, since July 1, 1899)	2,400	273,600
5 passed assistant surgeons (lieutenants, second 5 years, since July 1, 1899; beyond seas)	2,640	13,200
98 assistant surgeons (lieutenants, junior grade, second 5 years)	1,920	188,160
3 assistant surgeons (lieutenants, junior grade, second 5 years; beyond seas)	2,112	6,336
25 acting assistant surgeons (after 5 years from date of appointment; old pay)	1,400	35,000
		971,321
1 pay director (chief of bureau)	5,500	5,500
13 pay directors (captains, after 20 years' service)	4,500	58,500
1 pay inspector (assistant to bureau; old pay)	4,400	4,400
2 pay inspectors (fleet paymasters; old pay)	4,400	8,800
12 pay inspectors (commanders; old pay)	4,000	48,000
5 paymasters (lieutenant-commanders, third 5 years; old pay)	3,250	16,250
41 paymasters (lieutenants, second 5 years; old pay)	3,200	131,200
2 paymasters (lieutenants, second 5 years; old pay; beyond seas)	3,520	7,040
26 paymasters (lieutenants, second 5 years, since July 1, 1899)	2,400	62,400
2 paymasters (lieutenants, second 5 years, since July 1, 1899; beyond seas)	2,640	5,280
28 passed assistant paymasters (lieutenants, second 5 years, since July 1, 1899)	2,400	67,200
2 passed assistant paymasters (lieutenants, second 5 years, since July 1, 1899; beyond seas)	2,640	5,280
13 assistant paymasters (lieutenants, junior grade, second 5 years)	1,920	24,960
1 assistant paymaster (lieutenant, junior grade, second 5 years; beyond seas)	2,112	2,112
40 assistant paymasters (ensigns, after 5 years)	1,650	80,850
3 assistant paymasters (ensigns, after 5 years; beyond seas)	1,815	5,445
		533,217

Present pay of officers of the Navy, active list—Continued.

Rank.	Amount.	Total.
5 chaplains (lieutenant-commanders, after 20 years' service)	$3,500	$17,500
4 chaplains (lieutenant-commanders, fourth 5 years)	3,250	13,000
2 chaplains (lieutenant-commanders, fourth 5 years; beyond seas)	3,575	7,150
5 chaplains (lieutenant-commanders, third 5 years)	3,250	16,250
7 chaplains, (lieutenants; old pay)	2,800	19,600
1 chaplain (lieutenant, junior grade, second 5 years)	1,800	1,800
		75,300
6 professors of mathematics (fourth 5 years)	3,500	21,000
4 professors of mathematics (third 5 years)	3,000	12,000
4 professors of mathematics (second 5 years)	2,700	10,800
		43,800
1 naval constructor (chief of bureau)	5,500	5,500
16 naval constructors (after 20 years)	4,200	67,200
8 naval constructors (fourth 5 years)	4,000	32,000
5 naval constructors (third 5 years)	3,700	18,500
45 assistant naval constructors (after 8 years)	2,600	117,000
		240,200
1 civil engineer (chief of bureau)	5,500	5,500
4 civil engineers (fourth 5 years)	3,500	14,000
10 civil engineers (third 5 years)	3,000	30,000
14 civil engineers (second 5 years)	2,700	37,800
12 assistant civil engineers (first 5 years)	1,500	18,000
		105,300
4 chief boatswains (ensigns, after 20 years)	1,960	7,840
3 chief boatswains (fourth 5 years)	1,820	5,460
36 chief boatswains (third 5 years)	1,680	60,480
37 chief boatswains (second 5 years)	1,540	56,980
2 chief boatswains (second 5 years; beyond seas)	1,694	3,388
61 boatswains (second 3 years)	1,300	79,300
39 boatswains (first 3 years)	1,200	46,800
		260,248
5 chief gunners (ensigns, after 20 years)	1,960	9,800
7 chief gunners (fourth 5 years)	1,820	12,740
28 chief gunners (third 5 years)	1,680	47,040
1 chief gunner (third 5 years; beyond seas)	1,848	1,848
33 chief gunners (second 5 years)	1,540	50,820
40 gunners (second 3 years)	1,300	52,000
54 gunners (first 3 years)	1,200	64,800
		239,048
11 chief carpenters (ensigns, after 20 years)	1,960	21,560
1 chief carpenter (fourth 5 years)	1,820	1,820
24 chief carpenters (third 5 years)	1,680	40,320
1 chief carpenter (third 5 years; beyond seas)	1,848	1,848
22 chief carpenters (second 5 years)	1,540	33,880
34 carpenters (second 3 years)	1,300	44,200
38 carpenters (first 3 years)	1,200	45,600
		189,228
6 chief sailmakers (ensigns, after 20 years)	1,960	11,760
70 warrant machinists (fourth 3 years)	1,600	112,000
37 warrant machinists (third 3 years)	1,400	51,800
73 warrant machinists (second 3 years)	1,300	94,900
70 warrant machinists (first 3 years)	1,200	84,000
		342,700
16 pharmacists (fourth 3 years)	1,600	25,600
3 pharmacists (third 3 years)	1,400	4,200
3 pharmacists (second 3 years)	1,300	3,900
2 pharmacists (first 3 years)	1,200	2,400
		36,100
66 mates (since August 1, 1894)	900	59,400
Total		6,789,462

Present pay of officers of the Navy—Retired list.

Rank.	Amount.	Total.
64 rear-admirals (pay of major-general	$5,625	$360,00
58 rear-admirals (pay of brigadier-general)	4,125	239,25
9 commodores (old pay)	3,750	33,75
38 captains (after 20 years' service)	3,375	128,25
78 commanders (after 20 years' service)	3,000	234,00
22 lieutenant-commanders	2,625	57,70
35 lieutenants	1,950	68,25
8 lieutenants (junior grade, after 5 years; old pay)	1,500	12,00
17 ensigns	1,260	21,42
1 surgeon-general, retired (pay of major-general)	5,625	5,625
1 surgeon-general, retired (commodore)	3,750	3,750
27 medical directors (pay of brigadier-general)	4,125	111,375
9 medical directors (captains)	3,375	30,375
9 medical inspectors (commanders; old pay)	3,300	29,700
15 surgeons (after 20 years' service)	3,150	47,250
11 passed assistant surgeons	1,890	20,790
9 assistant surgeons	1,427	12,843
3 paymaster-generals, retired (pay of major-general)	5,625	16,875
27 pay directors (pay of brigadier-general)	3,750	101,250
6 pay directors (captains, after 20 years)	3,375	20,250
6 pay inspectors (commanders; old pay)	3,300	19,800
2 paymasters (after 20 years; old pay)	3,150	6,300
2 paymasters (third 5 years; old pay)	2,625	5,250
1 passed assistant paymaster (after 5 years)	1,650	1,650
1 assistant paymaster	1,125	1,125
1 engineer in chief (major-general)	5,625	5,625
20 chief engineers (rear-admiral, brigadier-general)	4,125	82,500
9 chief engineers (captains, 20 years' service)	3,375	30,375
28 chief engineers (after 20 years' service; old pay)	3,300	92,400
22 passed assistant engineers (fourth 5 years; old pay)	2,625	44,500
15 assistant engineers	1,425	21,375
9 chaplains	2,100	18,900
7 professors of mathematics	2,625	18,375
1 chief constructor (major-general)	5,625	5,625
6 naval constructors (after 20 years)	3,150	18,900
2 civil engineers (major-general)	5,625	11,250
4 civil engineers (fourth 5 years)	2,625	10,500
13 chief boatswains (lieutenants, junior grade)	1,500	19,500
12 chief boatswains (ensigns)	1,470	17,640
5 boatswains (after 12 years)	1,350	6,750
6 boatswains (fourth 3 years)	1,200	7,200
1 boatswain (second 3 years)	975	975
5 chief gunners (lieutenants, junior grade)	1,500	7,500
12 chief gunners (ensigns)	1,470	17,640
6 gunners (after 12 years)	1,350	8,100
2 gunners (fourth 3 years)	1,200	2,400
1 gunner (second 3 years)	975	975
3 chief carpenters (lieutenants, junior grade)	1,500	4,500
8 chief carpenters (ensigns)	1,470	11,760
11 carpenters (after 12 years)	1,350	14,850
2 chief sailmakers (lieutenants, junior grade)	1,500	3,000
4 chief sailmakers (ensigns)	1,470	5,880
6 sailmakers (after 12 years)	1,350	8,100
10 [illegible] (fourth 3 years)	1,200	12,000
5 warrant machinists (third 3 years)	1,050	5,250
4 [illegible] (3 years)	1,200	4,800
1 [illegible]	1,050	1,050
10 [illegible]	900	14,400
[illegible]		2,123,[illegible]

Pay of Navy, active list, by Dick-Capron pay bill.

Rank.	Amount.	Total.
1 Admiral	$14,850.00	$14,850.00
11 rear-admirals, first nine	8,625.00	94,875.00
11 rear-admirals, second nine	6,325.00	69,575.00
82 captains, after 20 years	5,880.00	482,160.00
1 captain, after 20 years (beyond seas)	6,468.00	6,468.00
122 commanders, after 20 years	5,040.00	614,880.00
4 commanders, after 20 years (beyond seas)	5,544.00	22,176.00
162 lieutenant-commanders, after 20 years	4,200.00	680,400.00
3 lieutenant-commanders, after 20 years (beyond seas)	4,620.00	13,860.00
43 lieutenant-commanders, after 15 years	3,900.00	167,700.00
1 lieutenant-commander, after 15 years (beyond seas)	4,290.00	4,290.00
71 lieutenants, after 15 years	2,925.00	207,675.00
234 lieutenants, after 10 years	2,700.00	631,800.00
4 lieutenants, after 10 years (beyond seas)	2,970.00	11,880.00
49 lieutenants, after 5 years	2,475.00	121,275.00
1 lieutenant, after 5 years (beyond seas)	2,722.50	2,722.50
8 lieutenants (junior grade), after 5 years (beyond seas)	2,062.50	16,500.00
417 ensigns, after 5 years	1,925.00	802,725.00
385 midshipmen, at sea	1,187.50	457,187.50
		4,422,999.00
MEDICAL CORPS.		
1 Medical Director (chief of bureau)	6,325.00	6,325.00
14 medical directors (captains, after 20 years)	5,880.00	82,320.00
15 medical inspectors (commanders, after 20 years)	5,040.00	75,600.00
51 surgeons (lieutenant-commanders, after 20 years)	4,200.00	214,200.00
1 surgeon (lieutenant-commander, assistant to bureau)	4,200.00	4,200.00
1 surgeon (lieutenant-commander, after 20 years, beyond seas)	4,620.00	4,620.00
31 surgeons (lieutenant-commanders, after 15 years)	3,900.00	120,900.00
3 surgeons (lieutenant-commanders, after 10 years, beyond seas)	3,960.00	11,880.00
124 passed assistant surgeons (lieutenants, mounted, after 10 years)	3,000.00	372,000.00
5 passed assistant surgeons (lieutenants, mounted, after 10 years, beyond seas)	3,300.00	16,500.00
98 assistant surgeons (lieutenants, junior grade, mounted, after 5 years)	2,200.00	215,600.00
3 assistant surgeons (lieutenants, junior grade, mounted, after 5 years, beyond seas)	2,420.00	7,260.00
25 acting assistant surgeons (after 5 years from date of appointment)	1,875.00	46,875.00
		1,178,280.00
PAY CORPS.		
1 pay director (chief of bureau)	6,325.00	6,325.00
13 pay directors (captains, after 20 years)	5,880.00	76,440.00
15 pay inspectors (commanders, after 20 years)	5,040.00	75,600.00
10 paymasters (lieutenant-commanders, after 15 years)	3,900.00	39,000.00
20 paymasters (lieutenants, mounted, after 15 years)	3,250.00	65,000.00
77 paymasters and passed assistant paymasters (lieutenants, mounted, after 15 years)	3,000.00	231,000.00
14 assistant paymasters (lieutenants, junior grade, after 5 years)	2,062.50	28,875.00
47 assistant paymasters (ensigns, after 5 years)	1,925.00	90,475.00
3 assistant paymasters (ensigns, after 5 years beyond seas)	2,100.00	6,300.00
		619,015.00
CHAPLAINS.		
4 chaplains (captains, after 20 years)	5,880.00	23,520.00
2 chaplains (commanders, after 20 years)	5,040.00	10,080.00
4 chaplains (commanders, after 15 years)	4,680.00	18,720.00
1 chaplain (commander after 10 years)	4,320.00	4,320.00
5 chaplains (lieutenant-commanders, after 10 years)	3,600.00	18,000.00
3 chaplains (lieutenants, after 10 years)	2,700.00	8,100.00
4 chaplains (lieutenants, after 5 years)	2,475.00	9,900.00
1 chaplain (lieutenant, junior grade, after 5 years)	2,062.50	2,062.50
		94,702.50
PROFESSORS OF MATHEMATICS.		
3 professors of mathematics (captains, after 20 years)	5,880.00	17,640.00
2 professors of mathematics (commanders, after 20 years)	5,040.00	10,080.00
3 professors of mathematics (commanders, after 15 years)	4,680.00	14,040.00
1 professor of mathematics (commander, after 10 years)	4,320.00	4,320.00
3 professors of mathematics (lieutenants, after 10 years; old pay)	3,000.00	6,000.00
3 professors of mathematics (lieutenants, after 5 years; old pay)	2,700.00	8,100.00
		60,180.00
1 secretary to Admiral	3,375.00	3,375.00

Pay of Navy, active list, by Dick-Capron pay bill—Continued.

Rank.	Amount.	Total.
NAVAL CONSTRUCTORS.		
1 naval constructor (chief of bureau)	$6,325.00	$6,325.00
4 naval constructors (captains, after 20 years)	5,880.00	23,520.00
5 naval constructors (commanders, after 20 years)	5,040.00	25,200.00
7 naval constructors (lieutenant-commanders, after 20 years)	4,200.00	29,400.00
3 naval constructors (lieutenant commanders, after 15 years)	3,900.00	11,700.00
3 naval constructors (lieutenants, after 15 years; old pay)	3,200.00	9,600.00
2 naval constructors (lieutenants, after 10 years; old pay)	3,200.00	6,400.00
15 naval constructors (lieutenants, after 10 years)	2,700.00	40,500.00
14 assistant naval constructors (lieutenants, junior grade, after 10 years; old pay)	2,600.00	36,400.00
21 assistant naval constructors (lieutenants, junior grade, after 5 years; old pay)	2,600.00	54,600.00
		243,645.00
CIVIL ENGINEERS.		
1 civil engineer (chief of bureau)	6,325.00	6,325.00
2 civil engineers (captains after 20 years,)	5,880.00	11,760.00
1 civil engineer (commander, after 20 years)	5,040.00	5,040.00
2 civil engineers (lieutenant-commanders, after 15 years)	3,900.00	7,800.00
9 civil engineers (lieutenants, after 15 years; old pay)	3,500.00	31,500.00
12 civil engineers (lieutenants, after 10 years; old pay)	3,000.00	36,000.00
2 civil engineers (lieutenants, after 10 years; beyond seas)	3,000.00	6,000.00
1 assistant civil engineer (lieutenant, junior grade, after 10 years)	2,250.00	2,250.00
5 assistant civil engineers (lieutenants, junior grade, after 5 years)	2,062.50	10,312.50
6 assistant civil engineers (ensigns, after 5 years)	1,925.00	11,550.00
		128,537.50
CHIEF BOATSWAINS AND BOATSWAINS.		
4 chief boatswains (ensigns, after 20 years)	2,450.00	9,800.00
3 chief boatswains (ensigns, after 15 years)	2,275.00	6,825.00
36 chief boatswains (ensigns, after 10 years)	2,100.00	75,600.00
37 chief boatswains (ensigns, after 5 years)	1,925.00	71,225.00
2 chief boatswains (after 5 years; beyond seas)	2,117.50	4,235.00
61 boatswains (second 3 years)	1,625.00	99,125.00
39 boatswains (first 3 years)	1,500.00	58,500.00
		325,310.00
CHIEF GUNNERS AND GUNNERS.		
5 chief gunners (ensign, after 20 years)	2,450.00	12,250.00
7 chief gunners (after 15 years)	2,275.00	15,925.00
28 chief gunners (after 10 years)	2,100.00	58,800.00
1 chief gunner (after 10 years)	2,310.00	2,310.00
33 chief gunners (after 5 years)	1,925.00	63,525.00
40 gunners (second 3 years)	1,625.00	65,000.00
54 gunners (first 3 years)	1,500.00	81,000.00
		298,810.00
CHIEF CARPENTERS AND CARPENTERS.		
11 chief carpenters (ensigns, after 20 years)	2,450.00	26,950.00
1 chief carpenter (after 15 years)	2,275.00	2,275.00
24 chief carpenters (after 10 years)	2,100.00	50,400.00
1 chief carpenter (after 10 years, beyond seas)	2,310.00	2,310.00
22 chief carpenters (after 5 years)	1,925.00	42,350.00
34 carpenters (second 3 years)	1,625.00	55,250.00
38 carpenters (first 3 years)	1,500.00	57,000.00
		236,535.00
CHIEF SAILMAKERS.		
6 chief sailmakers (ensigns, after 20 years)	2,450.00	14,700.00
WARRANT MACHINISTS.		
70 warrant machinists (fourth 3 years)	2,000.00	140,000.00
37 warrant machinists (third 3 years)	1,850.00	68,450.00
73 warrant machinists (second 3 years)	1,625.00	118,625.00
70 warrant machinists (first 3 years)	1,500.00	105,000.00
		432,075.00

Pay of Navy, active list, by Dick-Capron pay bill—Continued.

Rank.	Amount.	Total.
PHARMACISTS.		
16 pharmacists (fourth 3 years)	$2,000.00	$32,000.00
3 pharmacists (third 3 years)	1,850.00	5,550.00
3 pharmacists (second 3 years)	1,625.00	4,875.00
2 pharmacists (first 3 years)	1,500.00	3,000.00
		45,425.00
MATES.		
66 mates (appointed since August 1, 1894)	1,125.00	74,250.00
Total pay of the active list		8,177,839.00

List of naval officers on the active list with corresponding rank in Army.

[Taken from Naval Register, July 1, 1907.]

Generals—	
Admiral	1
Major-generals—	
Rear-admirals	9
Brigadier-generals—	
Line officers	16
Construction Corps	1
Medical Corps	1
Civil Engineer Corps	1
Pay Corps	1
	20
Colonels—	
Line officers	80
Medical	14
Pay	13
Chaplains	4
Professors	3
Constructors	4
Civil engineers	2
	120
Lieutenant-colonels—	
Line officers	126
Medical	15
Pay	15
Chaplains	7
Professors	4
Constructors	5
Civil engineer	1
	173
Majors—	
Line officers	209
Medical	187
Pay	7
Chaplains	5
Constructors	7
Civil engineers	2
	417
Captains—	
Line officers	325
Medical	87
Pay	99
Chaplains	7
Professors	7
Constructors	20
Civil engineers	23
	568
First lieutenants—	
Medical officers	61
Pay	14
Chaplain	1
Constructors	21
Civil engineers	6
	103
Second lieutenants—	
Line	217
Pay	51
Civil engineer	1
Chief boatswains	66
Chief gunners	59
Chief carpenters	54
Chief sailmakers	6
	454
Recapitulation:	
General	1
Major-generals	9
Brigadier-generals	20
Colonels	120
Lieutenant-colonels	173
Majors	317
Captains	568
First lieutenants	103
Second lieutenants	454
	1,765

List of naval officers on the retired list showing their corresponding rank in the Army.

Major-generals—	
Rear-admirals	64
Surgeon-general	1
Paymaster-generals	3
Chief constructor	1
Engineer in chief	1
Civil engineers	2
	72
Brigadier-generals—	
Rear-admirals	58
Commodores	9
Surgeon-general	1
Medical directors	27
Pay directors	27
Chief engineers	20
	142
Colonels—	
Captains	38
Medical directors	9
Pay directors	6
Chief engineers	9
Chaplains	9
Professors	7
	78
Lieutenant-colonels—	
Commanders	78
Medical inspectors	9
Pay inspectors	6
	93
Majors—	
Lieutenant-commanders	22
Surgeons	15
Paymasters	2
Chief engineers	28
Naval constructors	6
Civil engineers	4
	77
Captains—	
Lieutenants	35
Passed assistant surgeons	11
Passed assistant paymasters	3
Passed assistant engineers	22
	71
First lieutenants—	
Lieutenants, junior grade	8
Assistant surgeons	9
Assistant paymaster	1
Assistant engineers	15
Chief boatswains	13
Chief gunners	5
Chief carpenters	3
Chief sailmakers	2
	56
Second lieutenants—	
Ensigns	17
Chief boatswains	12
Chief gunners	12
Chief carpenters	8
Chief sailmakers	4
	53
Recapitulation:	
Major-generals	72
Brigadier-generals	142
Colonels	78
Lieutenant-colonels	93
Majors	77
Captains	71
First lieutenants	56
Second lieutenants	53
	642

Tables showing the number of officers of the several grades in the Marine Corps on the active list and retired list.

ACTIVE LIST.

Brigadier-General Commandant	1
Colonels	11
Lieutenant-colonels	10
Majors	21
Captains	81
First lieutenants	85
Second lieutenants	70
	279

RETIRED LIST.

Major-General Commandant	1
Brigadier-Generals Commandant	7
Colonels	2
Lieutenant-colonels	8
Majors	6
Captains	8
First lieutenants	9
Second lieutenants	4
	45

PERSONNEL ACT, MARCH 3, 1899, WITH SUBSEQUENT CHANGES.

Section 13 relates to pay of the Navy and provides Army pay for officers of the line and the medical and pay corps.

AN ACT To reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers constituting the Engineer Corps of the Navy be, and are hereby, transferred to the line of the Navy, and shall be commissioned accordingly.

Engineer Corps transferred to line.

SEC. 2. That engineer officers holding the relative rank of captain, commander, and lieutenant-commander shall take rank in the line of the Navy according to the dates at which they attained such relative rank. Engineer officers graduated from the Naval Academy from eighteen hundred and sixty-eight to eighteen hundred and seventy-six, both years inclusive, shall take rank in the line next after officers in the line who graduated from the Naval Academy in the same year with them: *Provided*, That when the date of a line officer's commission as captain, commander, or lieutenant-commander and the date when the engineer officer attained the same relative rank of captain, commander, or lieutenant-commander are the same, the engineer officer shall take rank after such line officer.

SEC. 3. That engineer officers who completed their Naval Academy course of four years from eighteen hundred and seventy-eight to eighteen hundred and eighty, both inclusive, shall take rank in the line as determined by the Academic Board under the Department's instructions of December first, eighteen hundred and ninety-seven; and engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall take rank in the line as determined by the merit roll of graduating classes at the conclusion of the six years' course, June, eighteen hundred and eighty-three and eighteen hundred and eighty-four: *Provided*, That those engineer officers who were appointed from civil life, and whose status is not fixed by section two of this Act, shall take rank with other line officers according to the dates of their first commissions, respectively: *And provided further*, That the engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall retain among themselves the same relative standing as shown on the Naval Register at the date of the passage of this Act.

1881-82.

Appointments from civil life.

SEC. 4. That engineer officers transferred to the line who are below the rank of commander, and extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman, shall perform sea or shore duty, and such duty shall be such as is performed by engineers in the Navy: *Provided*, That any officer described in this section may, upon his own application, made within six months after the passage of this Act, be assigned to the general duties of the line, if he pass the examination now provided by law as preliminary to promotion to the grade he then holds, failure to pass not to displace such officer from the list of officers for sea or shore duty such as is performed by engineers in the Navy.

Duties of engineer officers.

SEC. 5. That engineer officers transferred to the line to perform engineer duty only who rank as, or above, commander, or who subsequently attain such rank, shall perform shore duty only.

SEC. 6. That all engineer officers not provided for in sections four and five transferred to the line shall perform the duties now performed by line officers of the same grade: *Provided*, That after a period of two years subsequent to the passage of this Act they shall be required to pass the examinations now provided by law as preliminary to promotion to the grade they then hold, and subject to existing law governing examinations for promotion.

Other engineer officers to perform line duties.

SEC. 7. That the active list of the line of the Navy, as constituted by section one of this Act, shall be composed of eighteen rear-admirals, seventy captains, one hundred and twelve commanders, one hundred and seventy lieutenant-commanders, three hundred lieutenants, and

Memo: See increase in numbers. Act Mch. 3, 1903. Yearbook, p. 42a.

not more than a total of three hundred and fifty lieutenants (junio grade) and ensigns: *Provided*, That each rear-admiral embraced in th nine lower numbers of that grade shall receive the same pay an allowance as are now allowed a brigadier-general in the Army. Offi cers, after performing three years' service in the grade of ensign, shall after passing the examinations now required by law, be eligible t promotion to the grade of lieutenant (junior grade): *Provided*, Tha when the office of chief of bureau is filled by an officer below th rank of rear-admiral, said officer shall, while holding said office, hav the rank of rear-admiral and receive the same pay and allowance a are now allowed a brigadier-general in the Army: *And provided further* That nothing contained in this section shall be construed to preven the retirement of officers who now have the rank or relative rank o commodore with the rank and pay of that grade: *And provided further*, That all sections of the Revised Statutes which, in defining th rank of officers or positions in the Navy, contain the words "the relative rank of" are hereby amended so as to read "the rank of," but officers whose rank is so defined shall not be entitled, in virtue o their rank to command in the line or in other staff corps. Neithe shall this Act be construed as changing the titles of officers in the staf corps of the Navy. No appointments shall be made of civil engineers in the Navy on the active list under section fourteen hundred and thirteen of the Revised Statutes in excess of the present number, twenty-one.

Rear-admiral, nine lower.

Chief of bureau.

Commodore.

Civil engineers.

[That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year of nineteen hundred and three.—Act July 1, 1902, page 375.]

Memo: See increase in number. Act March 3, 1903. Yearbook, p. 421.

[*Provided*, That assistant civil engineers, during the first five years after date of appointment, shall receive, per annum, when on duty, one thousand five hundred dollars, when on leave or waiting orders, one thousand dollars; during the second five years after such date, when on duty, one thousand eight hundred dollars, when on leave or waiting orders, one thousand two hundred dollars; and after ten years from such date, when on duty, two thousand one hundred dollars, and when on leave or waiting orders, one thousand four hundred dollars: *And provided further*, That promotions in the corps of civil engineers shall be after such examination as the Secretary of the Navy may prescribe.—Act March 3, 1903, page 421.]

[That from and after the passage of this Act the allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided by or in pursuance of law for naval constructors, and the allowances of assistant civil engineers the same as for assistant naval constructors.—Act June 29, 1906, page 493.]

[That the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service.—Act June 29, 1906, page 503.]

Voluntary retirement.

SEC. 8. That officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this Act above the grade of commander have been less than thirteen, above the grade of lieutenant-commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant (junior grade) less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, as now existing, including the grade of commodore, to cause the aforesaid vacancies for the fiscal year then being considered.

Three-fourths sea pay of next higher grade.

Involuntary retirement.

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this Act, and casualties are not sufficient to cause the average vacancies enumerated in section eight of this Act, the Secretary of the Navy shall, on or about the first day of June, convene a board of five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department

of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the first day of July, a sufficient number of officers from the before-mentioned grades, as constituted on the thirtieth day of June of that year, to cause the average vacancies enumerated in section eight of this Act. Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this Act. Its finding, which shall be in writing, signed by all the members, not less than four governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the thirtieth day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade, including the grade of commodore, which is retained on the retired list for this purpose.

Three-fourths sea pay of next higher grade.

[During a period of twelve years from the passage of this Act any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed shall receive the pay and allowances of an officer of the active list of the grade from which he was retired.—Act June 7, 1900, page 328.]

Naval constructors.

SEC. 10. That of the naval constructors five shall have the rank of captain, five of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the rank of lieutenant or lieutenant (junior grade). Assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight or more than fourteen years' service as assistant naval constructor: *Provided*, That the whole number of naval constructors and assistant naval constructors on the active list shall not exceed forty in all.

Memo: Number in corps increased to 75. Act Mar. 3, 1903. Yearbook, p. 421.

[That, in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year and the remaining four in the calendar year of nineteen hundred and three.—Act July 1, 1902, page 389.]

Civil-war service, officers when retired get three-fourths sea pay of next higher grade.

SEC. 11. That any officer of the Navy, with a creditable record, who served through the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.

[That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this Act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special Act of Congress.—Act June 29, 1906, Yearbook, page 492.]

Warrant officers.

SEC. 12. That boatswains, gunners, carpenters, and sailmakers shall after ten years from date of warrant be commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensign: *Provided*, That the chief boatswains, chief gunners, chief carpenters, and chief sailmakers shall on promotion have the same pay and allowances as are now allowed a second lieutenant in the Marine Corps: *Provided*, That the pay of boatswains, gunners, carpenters, and sailmakers shall be the same as that now allowed by

law: *Provided, further,* That nothing in this Act shall give additional rights to quarters on board ship or to command, and that immediately after the passage of this Act boatswains, gunners, carpenters, and sailmakers, who have served in the Navy as such for fifteen years, shall be commissioned in accordance with the provisions of this section, and thereafter no warrant officer shall be promoted until he shall have passed an examination before a board of chief boatswains, chief gunners, chief carpenters, and chief sailmakers, in accordance with regulations prescribed by the Secretary of the Navy.

[Whenever, in view of the vacancies in the grade of ensign on July thirtieth of any year unfilled by graduates of the Naval Academy, the Secretary of the Navy shall so recommend, the President may appoint to that grade, as of July thirtieth, from among the boatswains, gunners, or warrant machinists not exceeding six in any one calendar year. No person shall be so appointed who is over thirty-five years of age; who has served less than six years as a warrant officer; who is not recommended by a commanding officer under whom he has served; nor until he shall have passed such competitive examination as may be prescribed by the Navy Department.—Act March 3, 1901, page 339.]

[Hereafter in each calendar year there may, under the restrictions imposed by existing law, be appointed from the boatswains, gunners, and warrant machinists of the Navy twelve ensigns.—Act March 3, 1903, page 422.]

[pay of petty officers, seamen, landsmen, and apprentices, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, thirty-one thousand five hundred men and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year.—Act April 27, 1904, page 429.]

Line officers—Medical and Pay Corps, army pay.

SEC. 13. That, after June thirtieth, eighteen hundred and ninety-nine, commissioned officers of the line of the Navy and of the Medical and Pay Corps shall receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of corresponding rank in the Army: [*Provided,* That such officers when on shore shall receive the allowances, but fifteen per centum less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this Act:] *Provided further,* That when naval officers are detailed for shore duty beyond seas they shall receive the same pay and allowances as are or may be provided by or in pursuance of law for officers of the Army detailed for duty in similar places: *Provided further,* That naval chaplains, who do not possess relative rank, shall have the rank of lieutenant in the Navy; and that all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay, with five years' service. And all provisions of law authorizing the distribution among captors of the whole or any portion of the proceeds of vessels, or any property hereafter captured, condemned as prize, or providing for the payment of bounty for the sinking or destruction of vessels of the enemy hereafter occurring in time of war, are hereby repealed: *And provided further,* That no provision of this Act shall operate to reduce the present pay of any commissioned officer now in the Navy; and in any case in which the pay of such an officer would otherwise be reduced he shall continue to receive pay according to existing law: *And provided further,* That nothing in this Act shall operate to increase or reduce the pay of any officer now on the retired list of the Navy.

NOTE: Provision in brackets was repealed—Act June 29, 1906, page 492.

Shore duty beyond seas—Army pay, etc.

Chaplains.

Prize money repealed.

No reduction of pay of any officer now commissioned.

[*Provided,* That officers of the Navy, and officers and enlisted men of the Marine Corps, who have been detailed, or may hereafter be detailed, for shore duty in Alaska, the Philippine Islands, Guam, or elsewhere beyond the continental limits of the United States, shall be considered as having been detailed for "shore duty beyond seas," and shall receive pay accordingly, with such additional pay as may be provided by law for service in island possessions of the United States.—Act March 3, 1901, page 335.]

[That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for

that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.—Act June 29, 1906, page 493.]

Chaplains, pay, etc.

SEC. 14. That upon the passage of this Act the Secretary of the Navy shall appoint a board for the examination of men for the position of warrant machinists, one hundred of whom are hereby authorized. The said examination shall be open, first, to all machinists by trade, of good record in the naval service, and if a sufficient number of machinists from the Navy are not found duly qualified, then any machinist of good character, not above thirty years of age, in civil life shall be eligible for such examination and appointment to fill the remaining vacancies. All subsequent vacancies in the list of warrant machinists shall be filled by competitive examination before a board ordered by the Secretary of the Navy, and open to all machinists by trade who are in the Navy, and machinists of good character, not above thirty years of age, in civil life authorized by the Secretary of the Navy to appear before said board, and, where candidates from civil life and from the naval service possess equal qualifications, the preference shall be given to those from the naval service.

Warrant machinists.

SEC. 15. That the pay of warrant machinists shall be the same as that of warrant officers, and they shall be retired under the provisions of existing law for warrant officers. Warrant machinists shall receive at first an acting appointment, which may be made permanent under regulations established by the Navy Department for other warrant officers. They shall take rank with other warrant officers according to date of appointment and shall wear such uniform as may be prescribed by the Navy Department.

Pay.

SEC. 16. That hereafter the term of enlistment of all enlisted men of the Navy shall be four years: *Provided*, That section fifteen hundred and seventy-three, Revised Statutes, be amended to read: "If any enlisted man or apprentice, being honorably discharged, shall reenlist for four years within four months thereafter, he shall, on presenting his honorable discharge or on accounting in a satisfactory manner for its loss, be entitled to pay during the said four months equal to that to which he would have been entitled if he had been employed in actual service; and that any man who has received an honorable discharge from his last term of enlistment, or who has received a recommendation for reenlistment upon the expiration of his last term of service of not less than three years, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of one dollar and thirty-six cents per month to the pay prescribed for the rating in which he serves for each consecutive reenlistment."

Enlisted men—Four years' service.

SEC. 17. That when an enlisted man or appointed petty officer has served as such thirty years in the United States Navy, either as an enlisted man or petty officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive seventy-five per centum of the pay and allowances of the rank or rating upon which he was retired: *Provided*, That if said enlisted man or appointed petty officer had active service in the Navy or in the Army or Marine Corps, either as volunteer or regular, during the civil or Spanish-American war, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired: *And provided further*, That applicants for retirement under this section shall, unless physically disqualified for service, be at least fifty years of age.

Retirement of enlisted men on three-fourths of pay and allowances of rank or rating.

Credit for service in civil and Spanish wars.

Additional allowances.

[That when an enlisted man shall have served thirty years either the Army, Navy, or Marine Corps, or in all, he shall, upon maki application to the President, be placed upon the retired list, wi seventy-five per centum of the pay and allowances he may then be receipt of, and that said allowances shall be as follows: Nine dollars a fifty cents per month in lieu of rations and clothing and six doll and twenty-five cents per month in lieu of quarters, fuel, and lig

Credit for all service.

Provided, That in computing the necessary thirty years' time service in the Army, Navy, and Marine Corps shall be credited.

SEC. 2. That all Acts and parts of Acts, so far as they conflict wi the provisions of this Act, are hereby repealed.

Act March 2, 1907.]

[That the advancement in rank of officers of the Navy and Mari Corps, whensoever made, for service rendered during the war wi Spain, pursuant, respectively, to the provisions of sections fifteen hu dred and six and sixteen hundred and five of the Revised Statute shall not interfere with the regular promotion of officers otherwi entitled to promotion, but officers so advanced, by reason of war ser ice, shall, after they are promoted to higher grades, be carried the after as additional to the numbers of each grade to which they may any time be promoted; and each such officer shall hereafter be pr moted in due course, contemporaneously with and to take rank ne after the officer immediately above him; and all advancements ma by reason of war service shall be appropriately so designated upon th official Navy list: *Provided, however*, That no promotion shall be ma to fill a vacancy occasioned by the promotion, retirement, death, re ignation, or dismissal of any officer who, at the time of such prom tion, retirement, death, resignation, or dismissal, is an addition member of his grade under the foregoing provisions.—Act March 1901, page 335.]

Carried as additional numbers.

Marine Corps.

SEC. 18. That from and after the date of the approval of this Act th active list of the line officers of the United States Marine Corps sha consist of one brigadier-general commandant, five colonels, fi lieutenant-colonels, ten majors, sixty captains, sixty first lieutenant and sixty second lieutenants: *Provided*, That vacancies in all grad in the line created by this section shall be filled as far as possible b promotion by seniority from the line officers on the active list of sa Corps: *And provided further*, That the commissions of officers now i the Marine Corps shall not be vacated by this act: *And provide further*, That vacancies in the grade of brigadier-general shall be fille by selection from officers on the active list of the Marine Corps no below the grade of field officer.

Vacancies—how filled.

Existing commissions unaffected.

Brigadier-general.

Original vacancies—how filled.

SEC. 19. That the vacancies existing in said Corps after the promo tions and appointments herein provided for shall be filled by th President from time to time, whenever the actual needs of the nav service require it, first, from the graduates of the Naval Academy i the manner now provided by law; or, second, from those who ar serving or who have served as second lieutenants in the Marine Corp during the war with Spain; or, third, from meritorious noncommis sioned officers of the Marine Corps; or, fourth, from civil life: *Pro vided*, That after said vacancies are once filled there shall be no furthe appointments from civil life.

No appointments from civil life thereafter.

Age limit, etc.

SEC. 20. That no person except such officers or former graduates o the Naval Academy as have served in the war with Spain, as herein before provided for, shall be appointed a commissioned officer in th Marine Corps who is under twenty or over thirty years of age; an that no person shall be appointed a commissioned officer in said corp until he shall have passed such examination as may be prescribed b the President of the United States, except graduates of the Nava Academy, as above provided. That the officers of the Marine Corp above the grade of captain, except brigadier-general, shall, befor being promoted, be subjected to such physical, mental and moral ex amination as is now, or may hereafter be, prescribed by law for othe officers of the Marine Corps.

Examination.

Immediate appointments.

SEC. 21. That upon the passage of this Act not more than forty-fiv of the captains, forty-five first lieutenants and forty-five second lie tenants herein provided for shall be appointed; fifteen captains, fifte

first lieutenants and fifteen second lieutenants to be appointed subsequently to January first, nineteen hundred.

Sec. 22. That the staff of the Marine Corps shall consist of one adjutant and inspector, one quartermaster and one paymaster, each with the rank of colonel; one assistant adjutant and inspector, two assistant quartermasters and one assistant paymaster, each with the rank of major; and three assistant quartermasters, with the rank of captain. That the vacancies created by this Act in the departments of the adjutant and inspector and paymaster shall be filled first by promotion according to seniority of the officers in each of these departments respectively, and then by selection from the line officers on the active list of the Marine Corps not below the grade of captain, and who shall have seen not less than ten years' service in the Marine Corps. That the vacancies created by this Act in the quartermaster's department of said corps shall be filled, first by promotion according to seniority of the officers in this department, and then by selection from the line officers on the active list of said corps not below the grade of first lieutenant: *Provided*, That all vacancies hereafter occurring in the staff of the Marine Corps shall be filled first by promotion according to seniority of the officers in their respective departments, and then by selection from officers of the line on the active list, as hereinbefore provided for.

Staff.

Vacancies—how filled.

Subsequent vacancies.

Sec. 23. That the enlisted force of the Marine Corps shall consist of five sergeant majors, one drum major, twenty quartermaster sergeants, seventy-two gunnery sergeants with the rank and allowance of the first sergeant, and whose pay shall be thirty-five dollars per month; sixty first sergeants; two hundred and forty sergeants; four hundred and eighty corporals; eighty drummers; eighty trumpeters; and four thousand nine hundred and sixty-two privates.

Enlisted force.

Pay.

[In addition to the enlisted force of the Marine Corps now authorized by law there may be enlisted ten gunnery-sergeants, forty sergeants, sixty corporals, ten drummers, ten trumpeters, and six hundred and twenty privates.—Act July 1, 1902, page 392.]

[That from and after the passage of this Act, and in order to further increase the efficiency of the Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps, are hereby authorized and directed, namely: One colonel, one lieutenant-colonel, five majors, twelve captains, twenty-five first lieutenants, twelve second lieutenants, one assistant adjutant and inspector with the rank of lieutenant-colonel, two assistant adjutants and inspectors with the rank of major, one assistant quartermaster with the rank of lieutenant-colonel, five assistant quartermasters with the rank of captain, one assistant paymaster with the rank of lieutenant-colonel, one assistant paymaster with the rank of captain, one sergeant-major, forty quartermaster-sergeants, twelve first sergeants, sixty-five sergeants, fifty-five corporals, ten drummers, ten trumpeters, and five hundred and twenty-seven privates: *Provided*, That the vacancies now existing in the line and the staff departments of the Marine Corps and those created by this Act below the grade of brigadier-general shall be filled, respectively, first by promotion by seniority and then by selection and appointment as now provided by law, excepting that vacancies in the grade of second lieutenant shall be filled first, as far as practicable, from graduates of the Naval Academy each year on completing the prescribed course at the Naval Academy, exclusive of the probationary tour of sea service before final graduation, then from meritorious noncommissioned officers from civil life between the ages of twenty-one and twenty-seven years: *Provided*, That the commissions of officers now in the Marine Corps shall not be vacated by this Act: *And provided further*, That officers selected for appointment to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain and who have seen not less than seven years' service as commissioned officers in the Marine Corps. And that appointments to the grade of captain in any of the staff departments shall be made from officers on the active list of the Marine Corps not below the grade of first lieutenant.—[Act of March 3, 1903, page 423.]

Band.

SEC. 24. That the band of the United States Marine Corps shall c[illegible] sist of one leader, with the pay and allowances of a first lieuten[illegible] one second leader, whose pay shall be seventy-five dollars per mo[illegible] and who shall have the allowances of a sergeant major; thirty [illegible] class musicians, whose pay shall be sixty dollars per month; and th[illegible] second class musicians, whose pay shall be fifty dollars per month [illegible] the allowances of a sergeant; such musicians of the band to have [illegible] increased pay for length of service.

[That officers of the Marine Corps with creditable records [illegible] served during the civil war shall, when retired, be retired in like m[illegible] ner and under the same conditions as provided for officers of the N[illegible] who served during the civil war.—Act April 27, 1904, page 457.]

[That any officer of the Marine Corps below the grade of brigadi[illegible] general who served with credit as an officer or as an enlisted man [illegible] the regular or volunteer forces during the civil war prior to A[illegible] ninth, eighteen hundred and sixty-five, otherwise than as a cadet, [illegible] whose name is borne on the official register of the Marine Corps, [illegible] who has heretofore been, or may hereafter be, retired on account [illegible] wounds or disability incid[illegible] to the service, or on account of ag[illegible] after forty years' service, [illegible]y, in the discretion of the President, [illegible] and with the advice and co[illegible]ent of the Senate, be placed on the reti[illegible] list of the Marine Corps with the rank and retired pay of one gr[illegible] above that actually held by him at the time of retirement: *Provid[illegible]* That this Act shall not apply to any officer who received an adva[illegible] of grade since the date of his retirement or who has been restored [illegible] the Marine Corps and placed on the retired list by virtue of the p[illegible] visions of a special Act of Congress.—Act June 29, 1906, page 492.]

Oath.

SEC. 25. That the oath of allegiance now provided for the offic[illegible] and men of the Army and Marine Corps shall be administered he[illegible] after to the officers and men of the Navy.

Repeal of conflicting acts.

SEC. 26. That all acts and parts of acts, so far as they conflict wi[illegible] the provisions of this Act, are hereby repealed.

Approved, March 3, 1899.

WARRANT OFFICERS AND THEIR DUTIES.

Warrant officers are boatswains, gunners, carpenters, sailmakers, warrant machinists, and pharmacists. They are appointed by the Secretary of the Navy from enlisted men who have served continuously for a period of years, have reached the grade of chief petty officer or first-class petty officer, and whose efficiency reports, together with their examination papers, show them worthy of such advancement:

BOATSWAINS.

The boatswain on board of a vessel is an assistant to the executive officer and has immediate charge of all equipment stores and is responsible for their care and issue. He must be an efficient seaman and understand thoroughly how to handle and secure heavy weights, such as anchors and chains, boats, etc. A boatswain is regarded as a necessary part of the complement of naval vessels. There are 147 boatswains at present on the active list of the Navy.

GUNNERS.

The gunner of a ship is an assistant to the ordnance officer, has immediate charge of all ordnance stores, and is responsible for their care and issue. He must understand the working of all parts of the battery and be able to make the minor repairs needed. He inspects daily the magazines and makes the required examinations and tests of their contents. An officer to perform these duties is necessary. There are at present 120 gunners on the active list of the Navy.

CARPENTERS.

The carpenter of a ship is an assistant to the executive officer, especially in all that relates to the latter's work as construction officer. He has immediate charge of all construction stores and is responsible for their care and issue. He must be familiar with the regulations concerning the care, preservation, and repair of ships, and supervise the work done by the mechanics placed under him. He is responsible for the good condition of all pumps, pipes, drains, and valves in the construction department, as well as the capstans, windlasses, steering apparatus, winches, etc. He assists the executive officer in the inspection and care of all compartments, water-tight doors, air ports, hatches, double bottoms, and mechanical devices for the management and safety of the ship. An officer to perform the above duties is necessary. There are at present 105 carpenters on the active list of the Navy.

SAILMAKERS.

With the passing of the sail era the necessity for sailmakers on board of modern men-of-war has ceased. They are at present only employed at naval stations. There remain but 6 sailmakers upon the active list of the Navy.

WARRANT MACHINISTS.

Warrant machinists act as assistants to the engineer officers of the ship in all that relates to the care and management of machinery and boilers and their appurtenances. They stand a regulr engine-room watch. When the Engineer Corps was merged into the line of the Navy the necessity for men of this class was created. There are 200 warrant machinists at present on the active list of the Navy.

PHARMACISTS.

The title explains their duties. They are employed at naval stations and hospitals. There are 24 pharmacists on the active list of the Navy.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1225.

LEASE OF ALLOTTED OR UNALLOTTED INDIAN LANDS FOR MINING PURPOSES.

MARCH 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 17301.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, having examined the same, report favorably with the following amendment, viz:

After the word "lease," in line 7, page 1, insert the words "for a term not to exceed twenty-five years."

The bill as thus amended will read as follows, viz:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value shall be subject to lease for a term not to exceed twenty-five years by the Secretary of the Interior on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions or alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided,* That the provisions of this act shall not apply to the Five Civilized Tribes.

This bill, except the amendment, was recommended by the Secretary of the Interior by letter dated February 6, 1908, which letter is as follows, viz:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1908.

SIR: I am in receipt of your letter of the 18th instant, inclosing a copy of H. R. 121, entitled "A bill to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes," with request for a report embodying my opinion as to the advisability of the legislation proposed.

The title is significant of the purposes of the bill, which, if enacted into law, would authorize mineral locations on Indian reservations in the same manner as other mineral lands of the United States are subject to location, development, operation, and entry.

No provision is made in the bill for payment to the Indians for the lands which would be taken from them should the bill become a law. I believe this would be unjust to the Indians. Realizing, however, that the mineral resources of allotted and unallotted Indian lands should not remain idle and undeveloped, I had caused to be prepared a draft of a bill for submission to Congress, a copy of which is

inclosed, which not only permits the leasing of Indian mineral lands in vation, but provides that any land allotted to an Indian under any law o may be leased under such regulations as the Secretary of the Interior may p

H. R. 121 is objectionable in that if enacted into law it will authorize locations to be made on any Indian reservation without restrictions.

Experience has shown that this is unjust to the Indians, as the inrush pective miners is always prejudicial to the Indians' interests, and, in justice t the Department should not recommend favorable action on any bill tha render them insecure in their homes. I therefore respectfully recommend t inclosed draft of a bill be substituted for H. R. 121.

Very respectfully,

JAMES RUDOLPH GARFIELD
Secr

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

A BILL To authorize the Secretary of the Interior to lease allotted or unallotted Indian l mining purposes.

Be it enacted by the Senate and House of Representatives of the United States of A in Congress assembled, That any mineral lands in any Indian reservation crea act of Congress, treaty, or Executive order which contain valuable minerals, leum, or other mineral products, or coal and saline lands, or lands containing building, or other stone of commercial value, shall be subject to lease by the Se of the Interior on such terms and under such regulations as he may prescrib any such lands allotted to an Indian under any law or treaty, with restrict alienation, may be leased by the allottee, with the approval of the Secretary Interior, on such terms and under such regulations as he may prescribe: *Pr* That the provisions of this act shall not apply to the Five Civilized Tribes.

Your committee further reports that the bill H. R. 121 (refer by the Secretary in the above letter) was introduced in the Hou Representatives by Mr. Stephens, of Texas, on December 2. Said bill is as follows, viz:

A BILL [illegible] in the Indian reservations in the United States and Te [illegible] for other purposes.

Whereas in the Indian reservations in the United States and Territories th situated copper, coal, and other mineral [illegible] and

Whereas the said Indians [illegible] to said reservations have position to operate any of the said mineral lands, and interpose no objection t operation: Therefore

Be it enacted by the Senate and House of Representatives of the United States of A in Congress assembled, That all of the mineral lands in the mountainous parts from [illegible] situated within the boundaries of the Indian r [illegible] United States [illegible] Territories [illegible] and the same are hereby, decl [illegible] operation and entry by the citizens of the [illegible] States, in the same manner and upon the same terms as other mineral lands [illegible] United States [illegible] operation, and entry [illegible] subject to location, d [illegible] and entry, and governed by the same laws, rules, and regu [illegible] mineral lands of the United States are now so subject to lo [illegible] and entry.

SEC. 2. That this act shall take effect and be in force from and after its pass

Your committee is of the opinion that it is very necessary tha bill should become a law, for the reason that there is now n authorizing the sale or lease or development of the minerals on I lands, and such a condition is very undesirable. The Indians wi development of their lands, and the white man can not do so fo reason that there is now no law authorizing the development and ing of mines on Indian lands; hence the necessity for the enact of this legislation is very manifest and desirable.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1226.

AMENDING SECTION 4463 OF REVISED STATUTES, RELATIVE TO LICENSED OFFICERS AND CREWS OF INSPECTED VESSELS OF THE UNITED STATES.

MARCH 13, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 225.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 225) amending section 4463 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass with the following amendments:

Strike out all after the enacting clause and substitute the bill printed in italics.

The bill is reported after investigations by the committee covering three months, during which many representatives of steamship and steamboat companies and of organizations of licensed officers, engineers, seamen, and tug men of the seaboard, Great Lakes, and rivers were heard at length and questioned.

It is of the first importance that a bill shall pass at the present session of Congress fixing the number of licensed officers and crew necessary to the safe navigation of inspected vessels, and to secure that result the committee has confined itself to that subject. For this reason it was deemed best not to incorporate in the bill extraneous suggestions such as a statutory definition of "able seaman," somewhat after the British fashion, and similar matters not essential to this legislation, on which an expression of opinion is reserved.

The bill is approved by the Department of Commerce and Labor.

The bill is an affirmation of the principle of Federal control of navigation in an important respect in which such control has been lacking, although essential, in the judgment of the committee and the Department of Commerce and Labor. Hitherto the laws have provided for the inspection of hulls, boilers, and engines, for life-saving and fire-fighting appliances, and for many of the mechanical details of a vessel. They have failed to provide adequately for the officers and crew

necessary to man the vessel and to work its machinery and appliances. Section 4463 of the Revised Statutes, for which this bill is a comprehensive substitute, was enacted thirty-seven years ago, and imperfectly attempted to fix the number of officers and crews of passenger vessels. The Steamboat-Inspection Service has endeavored to supplement that law by regulations in the interest of safety, but these regulations have been declared invalid by the courts and by the Department of Justice.

The bill empowers the board of local inspectors of hulls and boilers to fix the complement of licensed officers and crew necessary for the safe navigation of each vessel of the United States, subject to Federal inspection, whatever be its type—freight, passenger, towing vessel, etc. Vessels under 5 net register tons are usually outside the statutory definition of a vessel of the United States, are too small to require Federal prescription of the crew, and are accordingly exempt from the requirement proposed.

The local inspectors are the officers who inspect annually and oftener, if need be, the hulls, boilers, machinery, and equipment of each vessel subject to the inspection laws. They have an intimate acquaintance with the details of all the inspected vessels in their respective districts, the trade in which they are employed, the hours of their navigation, the nature of the waters they traverse, and the amount of work on board. These local inspectors, accordingly, are the most competent Federal authorities to determine at all times the number of officers and men required on any given vessel.

The power bestowed by the bill upon the local inspectors is a large power, but the committee does not deem it practicable so to classify vessels by statute that the number of officers and crew could be fixed intelligently by act of Congress. To be just and practicable, such a general statute would have to be accompanied by a long list of statutory exceptions and special rules, which would have to be modified or added to, perhaps, at every session of Congress. In fact, the committee was requested to include in the bill special exemptions for freight vessels, a special twelve-hour rule for certain lake tugs, a rule for certain towboats on the Ohio, and other propositions were alluded to. Doubtless there was merit in some or all of these special suggestions, but the committee decided that such details can better be determined by local administrative officers knowing all the facts than by a committee of Congress. The powers vested in the local inspectors are safeguarded by an appeal from their determinations, first to the supervising inspector, and, if necessary, to the Supervising Inspector-General.

The bill, by bestowing upon local inspectors the power to fix the complement of officers and crew necessary to the safe navigation of any vessel, thereby also bestows in effect the power to regulate the number of hours of labor on shipboard. The bestowal of such a power of regulation, adapted to varying conditions as they exist on various types of vessels, in various positions on board such vessels, and on various waters, the sea, the lakes, and the rivers, marks a distinct advance in legislation in the interest of labor. Safeguarded, as proposed by the bill, that power can be exercised to secure justice both to labor and capital.

After a vessel has been inspected and the number of her officers and crew fixed, it is sometimes desirable by reason of change of conditions or employment to change the number of the crew. To meet such

situations the bill provides that the change in the number of the crew may be made by indorsement on the certificate without requiring a new certificate and a new inspection throughout. Local inspectors may make this indorsement at other ports where a vessel may change her employment, as well as the local inspectors at the port of original inspection.

If for any cause a vessel about to depart is deprived of the services of an officer or other member of the crew without the fault of the master or owner, the vessel may proceed. The master, however, is required under penalty of $50 to report such shortage of officers or crew as soon as practicable. If on such a voyage the vessel be insufficiently manned for safe navigation as to licensed officers, the master becomes liable to a penalty of $500, or to a penalty of $100 if insufficiently manned as to others of the crew. By a general provision of law (sec. 5294, as amended by the acts of December 15, 1894, March 2, 1896, and February 14, 1903) the Secretary of Commerce and Labor is empowered to remit or mitigate such penalties in meritorious cases.

Section 4463 of the Revised Statutes now reads:

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel on her voyage is deprived of the services of any licensed officer without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1227.

DENTAL SURGEONS FOR THE NAVY.

MARCH 13, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DAWSON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 16620.]

The Committee on Naval Affairs, having had under consideration the bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its passage.

This bill provides for the appointment of thirty dental surgeons with "rank and compensation of acting assistant surgeons." Their appointments are made for such term as the President may determine, are revocable at his pleasure, and do not carry the right of promotion nor age-retirement pay.

Similar bills were favorably reported by this committee February 3, 1905, and March 9, 1906. For seven years the Navy Department has recommended legislative authority for the appointment of dental surgeons and presented evidence that their service is imperatively required for humanitarian and economic reasons.

In a letter to Hon. George Edmund Foss, chairman of the Committee on Naval Affairs, under date of March 3, 1908, Hon. V. H. Metcalf, Secretary of the Navy, recommends the passage of this bill in the following words:

> Attention is invited to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, the provisions of which are in line with the Department's views on the subject.

The urgent need of dental surgeons in the Navy is emphasized by the Surgeon-General of the Navy in his annual report for 1907, in the following statement:

> Like the eyes, the teeth are coming properly to be regarded as intimately and widely associated with the various organs and functions of the body, and that defective teeth may be responsible for much ill health is recognized by all who keep in touch with the accumulating truths of medical science. The naval surgeon is alert to detect dental disorders early lest an aggravation of them produce grave

illness. He, however, has not that special knowledge required to fit him to cope diseased teeth in a final manner. He can and often does put in temporary fillings treats the medical and surgical complications incident to dental disorders and extracts such teeth as are not worth preserving, but naval surgeons are not exp to deal with dental disorders in a radical manner. The practice of dentistry req a special education and training.

The teeth and the mouth are indubitably important factors in the causation of tain diseases of bacterial origin. This is not a hypothetical conclusion, for it has proven beyond doubt that not only are bacteria found in great numbers in unc for and neglected mouths, but their disease-producing properties are greatly increa particularly in and about decayed teeth. Much of the tonsilitis and pharyngiti the Navy can undoubtedly be traced to bad teeth, as can also deranged digestion general physical deterioration. In this connection it is not improbable that the t are an important contributory factor in tuberculosis by producing a state of lesse resistance to the disease by the constant absorption of poisonous matter.

In thus indicating the prominent reasons for the Navy's need of proper de services, it may be added that a bad tooth may occasionally give rise to serious c plications, which may even endanger life.

Surg. W. H. Bell, writing from Camp Elliott, on the Isthmus of Panama, says "During February (1905) a problem presented which gave us consider worry, as there appeared no immediate solution. It concerned some very ne sary dental work which 35 or 40 of the command required to have done. Quaran was then in force against Panama on account of yellow fever, and that fact, th fore, excluded us from the possibility of sending our men there for dental servi and as there was no dentist in Colon or anywhere else along the line the prob became a difficult one. We tried in vain to persuade one or the other of the Am can dentists on the Isthmus to come to camp with his outfit, and the only o resort was a native dentist, whose work, as far as it came under our observation, so inferior that we hesitated to employ his services, but even he finally would come. It was an experience which forcibly indicated the need of dental surgeon the service. The end of the whole matter was the detachment of most of the n without having received any but palliative treatment and their transfer to Sa Domingo, where their chance for needed attention was, if possible, worse."

This quotation is only one of many similar reports from the various naval stati and ships, and with reference to our extensive service in equatorial latitudes it is be pointed out that teeth deteriorate with particular rapidity in the Tropics. T importance of having skilled dentistry within the reach of those on duty in the o lying and isolated stations is evident, and at the large stations, where recruits assembled and apprentices are trained, the value of the service of such professio attention is of no less moment.

Dental surgeons are needed in the Navy quite as much as, if not more than, in t Army, which service enjoys free treatment by dentists employed in accordance w law, and it seems an unjust discrimination against the enlisted men of the Navy to provide for similar dental work, especially in view of the universally recogni economic importance of sound teeth in military service.

A similar bill was favorably reported to the House in the first sess of the Fifty-ninth Congress (H. Rept. 2181), and the same is herewi appended as a part of this report:

The Committee on Naval Affairs, having had under consideration the bill (H. 13851) authorizing the appointment of dental surgeons in the Navy, report the sa without amendment and recommend its passage.

A bill substantially the same as this was recommended by the Navy Departm in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904

SIR: Referring to the Department's letters of May 29, 1902, January 26 and F ruary 8, 1904, reporting upon bills for the employment of dental surgeons in Navy, and recommending the enactment of a measure authorizing the Secretary the Navy to employ under contract not more than 15 such surgeons, I have the ho to state that after further consideration of the matter the Department withdraws previous recommendations in the premises and recommends instead the passage the measure of which a draft is inclosed. The main points of difference between bill heretofore suggested and that now proposed are that the latter authorizes instead of 15 dental surgeons and provides that they shall have the rank and pay acting assistant surgeons, instead of being employed under contract at not to exc $1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, $1,700; on shore duty, $1,400; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,900; on shore duty, $1,600; on leave or waiting orders, $1,200.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

At present there is no provision of law under which the Department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the Bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the Navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the Navy similar to those which the Army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of army officers, from which we quote the following extract from the report of the Surgeon-General United States Army:

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service and their services are highly appreciated by the officers and enlisted men of the Army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

* * * * * * *

In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this Department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a

deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, U. S. Army.]

HEADQUARTERS TWENTIETH U. S. INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

The MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the Army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth U. S. Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the service of dental surgeons than exists in the Army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the Navy, therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of 50 boys now, or recently, in training at the naval training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his 14 upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost 7 teeth, and another, aged 18 years, had lost 7 molar teeth. Several others of the 50 cases from 16 to 18 years of age, had lost from 3 to 6 teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the Navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash*.]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of the gums treated	cases	227
Diseased nerves of teeth treated	do	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

* * * I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite*, and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the Navy probably differ from those in the Army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in army medical service, as follows:

[Thomas S. Latimer, M. D.]

There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required.

[Thomas Opie, M. D.]

That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order.

[W. O. Owens, M. D.]

For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor hospital about three hundred soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were fifteen or twenty similar cases, known as pyorrhea of the sockets of the teeth, with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability.

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some fifty or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exists.

We therefore recommend that House bill 13851 be enacted.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1228.

CONSULAR READJUSTMENT.

MARCH 13, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COUSINS, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany S. 4112.]

The Committee on Foreign Affairs, to which was referred the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, having carefully considered the same, respectfully reports it back to the House with the recommendation that it be passed with the following amendments, viz:

Page 2, line 22, strike out the word "Melbourne."

Page 3, line 12, strike out the word "Limoges."

Page 3, line 19, strike out the word "Gibraltar."

Page 3, line 22, after the word "Managua" insert the word "Melbourne."

Page 4, line 21, after the words "Fort Erie" insert the word "Gibraltar."

Page 4, line 22, after the words "La Paz" insert the word "Limoges."

With these amendments this bill is identical with the recommendations of the Secretary of State to the Committee on Foreign Affairs in his communication dated January 10, 1908. These recommendations if enacted into law will reduce the total of salaries of the consular service $1,000, and, in the opinion of the Committee, result in a vast improvement of the service by reducing inconsequential offices to agencies and creating offices where experience and investigation have shown them to be necessary.

The letter of the Secretary of State is as follows:

DEPARTMENT OF STATE,
Washington, January 10, 1908.

SIR: During the past year and a half in which the act of April 5, 1906, to provide for the reorganization of the consular service of the United States has been in operation, the conditions in a number of places where consular offices are now maintained have materially changed so that some of the offices which were considered necessary at the time the act was passed have now ceased to be of any great importance or use in the protection of American interests and revenue or in the furtherance of American export trade while other places have increased to such importance from the standpoint both of American trade and other interests as to warrant the establishment of consular representation. In some cases it has been found that offices are not in the grade or class in which they properly belong to secure the best advantages to the

Government. The Department has been giving this matter careful considerati and I now have the honor to submit a number of changes or amendments to the a above referred to which I think it desirable should be made at this time.

As you will see by the recapitulation appended to this letter, these suggested chang while of material benefit to the Government will not require any increase over t appropriation for the current year for salaries of consular officers.

I may add also that the changes suggested are not made with any intention desire to legislate out of office any of the incumbents of the consulates listed for clo ing. The new offices recommended herein, together with several existing vacancie will make it possible to transfer these officers to other posts and in many cases, whe the records of the officers justify that course, to promote them to more important an higher grade offices.

I append hereto a tabulated statement of the changes recommended above.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

Hon. ROBERT G. COUSINS,
Chairman Committee on Foreign Affairs, House of Representatives.

STATEMENT.

28 offices to be closed		$65,50
17 offices to be established	$49,500	
7 offices to be transferred		
13 offices to be changed in grade	3,500	
11 offices to be increased in salary	11,500	
		64,50
Decreased cost		1,00

28 offices to be closed.
17 offices to be established.

11 offices less than reorganization bill.

New offices.	Salary.	Old offices closed.
5	$3,500	2
6	3,000	4
4	2,500	5
2	2,000	17
17	.....	28

Offices to be closed.

	Class.	Salary.		Class.	Salar
Annaberg, Germany	7	$3,000	Jamestown, St. Helena	9	$2
Antigua, West Indies	9	2,000	Lucerne, Switzerland	6	3
Barmen, Germany	8	2,500	Mainz, Germany	7	3
Belleville, Ontario	9	2,000	Port Hope, Ontario	8	3
Castelfranco di Sotto, Italy	9	2,000	Port Rowan, Ontario	9	2
Catania, Italy	9	2,000	Port Stanley, Falkland Islands	9	2
Coaticook, Quebec	9	2,000	St. Christopher, West Indies	9	2
Crefeld, Germany	8	2,500	St. Hyacinthe, Quebec	9	2
Dusseldorf, Germany	7	3,000	Three Rivers, Quebec	6	3
Eibenstock, Germany	8	2,500	Utila, Honduras	9	2
Freiberg, Germany	7	3,000	Windsor, Nova Scotia	9	2
Funchal, Madeira	9	2,000	Woodstock, New Brunswick	9	2
Gaspé, Quebec	9	2,000	Zittau, Germany	8	3
Glauchau, Germany	9	2,000			
Jalapa, Mexico	9	2,000	Total (28 places)		65

Salary increases.

Amsterdam, Netherlands	$4,500 to	$5,000
Belgrade, Servia	2,000 to	3,000
Calgary, Alberta	2,000 to	3 000
Iquique, Chile	2,000 to	3,000
Kingston, Ontario	2,000 to	2,500
Milan, Italy	2,500 to	4,000
Progreso, Mexico	2,000 to	3,000
Rheims, France	2,500 to	3,500
Riga, Russia	2,000 to	3,000
Rotterdam, Netherlands	4,500 to	5,500
Warsaw, Russia	2,000 to	4,000
Totals	28,000 to	39,500
Increase		11,500

Changes in grade.

Office.	From—		To—	
	Grade.	Salary.	Grade.	Salary.
Rome, Italy	Consul-general	$4,500	Consul	$3,500
Genoa, Italy	Consul	3,500	Consul-general	4,500
Melbourne, Australia	Consul-general	5,500	Consul	3,000
Sydney, Australia	Consul	3,000	Consul-general	5,500
Moscow, Russia	do	2,500	do	5,500
St. Petersburg, Russia	Consul-general	5,500	Consul	3,500
Newchwang, China	do	4,500	do	4,500
Chefoo, China	do	4,500	do	4,500
Vancouver, British Columbia	Consul	4,000	Consul-general	4,500
Winnipeg, Manitoba	do	3,500	do	4,500
St. Gall, Switzerland	Consul-general	4,500	Consul	4,500
Zurich, Switzerland	Consul	3,500	Consul-general	4,500
Smyrna, Turkey	do	3,500	do	3,500

Transfers of offices.

From—	To—	Salary.
Alexandretta, Turkey	Mersine	$2,500
Collingwood, Ontario	Owen Sound	2,500
La Rochelle, France	Cognac	2,500
Pretoria, South Africa	Johannesburg	5,000
San Juan del Norte, Nicaragua	Bluefields	3,500
Tuxpam, Mexico	Salina Cruz	2,000
Weimar, Germany	Erfurt	2,500
Total		20,500

Offices to be established.

Aleppo, Syria	$3,000	Punta Arenas, Chile	$3,000
Alexandria, Egypt	3,500	Rangoon, Burma	3,500
Antung, China	2,500	Saloniki, Turkey	3,500
Corinto, Nicaragua	3,000	San Luis Potosi, Mexico	2,500
Fernie, British Columbia	2,000	Swatow, China	2,500
Fiume, Austria	3,500	Tapachula, Mexico	2,000
Frontera, Mexico	3,000	Tripoli, Africa	2,500
Guadelajara, Mexico	3,500		
Karachi, India	3,000	Total (17)	49,500
Madras, India	3,000		

ALEPPO, SYRIA (new; consul, class 7, $3,000).

Aleppo has a population of 150,000, and is a [illegible] for Bagdad, Mes[illegible] Kurdistan, and Armenia. Opportunities for [illegible] merican trade a[illegible] good. Great Britain, Germany, Italy, and F[illegible] [illegible]nsulates here a[illegible] pay the following salaries:

Country.	Salary.
Great Britain	[illegible]
Germany	[illegible]
Italy	a[illegible]
France	b[illegible]

a And fees. b And residence.

ALEXANDRETTA, SYRIA, transfer to MERSINE (consul, class 8, $2,500).

The work at Alexandretta is inconsiderable and the opportunities for advan[illegible] ing American trade from this place small. As the business of the district is n[illegible] done here much more could be accomplished by moving the office to Mersin[illegible] No other country has a full consulate here. There are good opportunities i[illegible] Mersine for increasing American trade if the consulate is moved to that poin[illegible]

ALEXANDRIA, EGYPT (new; consul, class 6, $3,500).

Now an agency. Population, 335,000. Commercially of great and growi[illegible] importance, easily taking first place in Egypt. It is a great field for American trade and should have an energetic consul in charge. Imports from the Unite[illegible] States in 1906 were $1,400,000. The following table shows the expenditure[illegible] of various governments for consular representation at Alexandria:

Country.	Grade.	Compensation.	Total cost of office.
Great Britain	Consul	[illegible]	[illegible]
Germany	do	4,760	[illegible]
Italy	do	4,119	[illegible]
France	Consul-General	4,268	[illegible]
Austria	Consul	1,760	[illegible]

AMSTERDAM, NETHERLANDS (increase).

From consul, class 4, $4,500, to class 3, $5,000.

Amsterdam, a city of 600,000 inhabitants, is the banking center of the Netherlands and an important commercial city. Millions of dollars worth of American securities are held in the city. It is also the second largest market in Europe for American flour, and the Netherlands ranks third of European countries in the importation of American goods. Thirty thousand American tourists annually visit the city. Exports to the United States are over $16,000,000 in value. The fees collected by this office last year were $12,093.50. A consul here has very important duties in connection with customs and quarantine matters as well as the extremely important ones concerning furthering of American export trade. The salary of the German consul at Amsterdam is $5,712, the French consul $4,632, and the British consul $3,163

ANNABERG, GERMANY (closed; salary, $3,000).

A consulate is unnecessary in this small mountain town of 16,000, with but two resident Americans and no direct trade with the United States, and small possibilities for such. During the past fiscal year $4,137.50 in fees was collected. These, except $14, were for invoice certifications, which can be readily attended to at Chemnitz, and, in fact, in the last six months a large portion of this business has been done there. The cost of maintaining the Annaberg office last year was $4,484.75.

ANTIGUA, WEST INDIES (closed: salary, $2,000).

The only consular duties performed at this post last year were certifications of 28 invoices, one landing certificate and a few bills of health, the total fees amounting to only $172, while the office cost $2,357.90 to maintain. No other Government maintains an office here, and the consulate can be closed without injury to American interests.

ANTUNG, CHINA (new; consul, class 8, $2,500).

Antung is made an open port in virtue of the United States treaty with China, and is an important outpost of commercial activity in southeastern Manchuria near the Korean frontier. Its position makes it eminently important that the United States should have a representative there.

BAMBERG, GERMANY (closed; salary, $2,500).

A consulate here is unnecessary, as the work, which is almost entirely certification of invoices, of which 75 per cent reach the consulate by mail, can be just as well done at Nuremberg, 33 miles distant. The business of this office has fallen away rapidly recently, and by the end of this year there will be little work of even a routine nature. There are no American residents and no American capital invested or possibility of American trade. The cost to Government last year was $3,649.86.

BELGRADE, SERVIA (increase).

From consul, class 9, $2,000, to class 7, $3,000.

It is but comparatively recently that a consulate was established at Belgrade, the capital of a most flourishing Balkan State, and already the preliminary work tends to show that good results will be attained for American trade, as Servia is now seeking closer commercial relations with all industrial countries. The consulate at Belgrade has been greatly hampered by the present low salary of the post, as prices are so high that a man without independent means can not live on the salary. For example, tea is $2.40 a pound; coffee, $1.50; butter, $0.50 to $1, and sugar of inferior grade 10 cents. Germany pays her consul at Belgrade $3,094; Italy, $2,895, and Austria, $2,436. The change from consul, class 9, to class 7 is urgently needed.

BELLEVILLE, ONTARIO (closed; salary, $2,000).

While there is some American capital invested in the neighborhood of Belleville, the business of the consulate is of little importance, and there is no need for a consular office. Population, 9,953. Fees collected, $322.25. Cost to Government for maintenance, $2,247.03.

BLUEFIELDS.

See San Juan del Norte.

CALGARY, ALBERTA (increase).

From consul, class 9, $2,000, to class 7, $3,000.

Owing to the rapid development of this section of Canada and the fact that it is about midway between Winnipeg and Vancouver, the consulate at Calgary has become a very important and busy one. The population of the city is 20,000, half of whom are Americans, and six of the largest industrial enterprises there are owned by Americans. The cost of living, food, and rent is very high, and the salary of the post should not be less than $3,000.

CASTELLAMARE DI STABIA, ITALY (closed; salary, $2,000).

There is no need for an office of the grade of consul at this place. It is but 16 miles from Naples, where there is a consulate, and if any office at all is needed an agency would be sufficient, thereby saving to the Government the $2,870.93 which it cost to maintain the consulate at Castellamare last year.

CATANIA, ITALY (closed; salary, $2,000).

American trade with this port is very limited and, with the exception of the importation of wheat, is carried on through other ports. The duties of the office are merely routine and can be performed by a consular agent. Fees collected last year were $1,415, and the office cost $2,745.51.

CHEFOO, CHINA (change in grade).

From consul-general, class 5, $4,500, to consul, class 4, $4,500.

What has been said above regarding Newchwang applies equally to Chefoo. All the other powers at Chefoo are represented by either a consul or vice-consul.

COATICOOK, QUEBEC (closed; salary, $2,000).

This is a small town with a population of 3,500. There are no special opportunities for American trade and no need for a consulate for existing American interests. Fees collected last year were $258.50, and the Government paid $2,210.80 for maintaining the office.

COGNAC.
See La Rochelle.

COLLINGWOOD, ONTARIO. [illegible] to C[illegible] [illegible]ul, class 8, $2,[illegible]
The consulate at Colli[illegible] d be moved to Owen Sound, which, [illegible]
a consular standpoint, [illegible] more important place. Exports from C[illegible]
lingwood to the Unite[illegible] $1,61,020, while from Owen Sound they [illegible]
$407,351, and the servi[illegible] d and fees collected at the latter are m[illegible]
three times as great as a[illegible]

CORINTO, NICARAGUA (new: co[illegible] class 7, $3,000).
Corinto is the [illegible]ncipal [illegible]e Pacific coast of Nicaragua, and is the o[illegible]
port connected by [illegible]way [illegible]gua, the capital. A consulate is impo[illegible]
needed there for [illegible] ng others, the very important one in t[illegible]
section of [illegible]

CREFELD, GERMA[illegible] (closed: [illegible] $2,500).
The b[illegible] much better be done at Cologne, as h[illegible]
distant, [illegible] of its [illegible]tenance, $4,159.62, saved to the Gove[illegible]
ment. While the popu[illegible]tion is [illegible]00, Cologne, with its broader commerc[illegible]
activity, is the point of [illegible] c[illegible]ion regarding American trade extension [illegible]
this section. There is no [illegible] capital invested and no possibilities [illegible]
American trade.

DUSSELDORF, GERMANY (closed; [illegible]y, $3,000).
Business here consists largely [illegible]rtifying invoices, most of which come [illegible]
mail, and might as well be attended to at either Barmen or Cologne, about [illegible]
miles distant. There are three Americans resident in Dusseldorf and no Ame[illegible]
can capital invested there. The office cost the Government last year $3,[illegible]

EIBENSTOCK, GERMANY (closed[illegible]y, $2,500).
The fees collected at this [illegible]st year were $8,[illegible].12, while the cost [illegible]
maintenance of the office was [illegible]57.22. The fees collected were, except $[illegible]
for certification of invoices. [illegible] number of which has decreased one-third [illegible]
last six months. The popu[illegible]n of the town is 9,000, and there is no dir[illegible]
trade with the United States and no openings for American trade; no resid[illegible]
Americans, and no American capital invested.

ERFURT.
See Weimar.

FERNIE, BRITISH COLUMBIA (new; consul, class 9, $2,000).
The Department has had a feed consular agency here for some time, but ow[illegible]
to its remoteness from a supervising consul, irregular practices are hard to contr[illegible]
and the office should be a full salaried one. There are many American ente[illegible]
prises in the surrounding territory controlled by American capital. Co[illegible]
mercially it is an important point. Fees last year were $2,225.50.

FIUME, HUNGARY (new; consul, class 6, $3,500).
Fiume is a very important field for American goods, the annual imports fr[illegible]
the United States being about $1,000,000. It is the principal seaport of Hu[illegible]
gary, with many extremely important duties in connection with the supervisi[illegible]
of emigrants for the United States. Great Britain, France, and Germa[illegible]
maintain consulates here, and Italy has a consul-general, and the interests [illegible]
these Governments are not nearly so great as those of the United States.

FREIBURG, GERMANY (closed; salary, $3,000).
The opportunities for extending American trade in Freiburg are extrem[illegible]
small, and practically the only business of the consulate is invoice certificatio[illegible]
nine-tenths of which come by mail and could be attended to in the Kehl offic[illegible]
Fees last year were $4,420.25, while the cost of the office was $4,271.80, whi[illegible]
would be saved if the office were closed.

FRONTERA, MEXICO (new; consul, class 7, $3,000).
Frontera is the gateway for the States of Chiapas and Tabasco, Mexico. W[illegible]
now have an agency there under Veracruz, but it [illegible] consulate becau[illegible]
of the inaccessibility of points in the interior from [illegible]. There is here [illegible]
trade in American lumber, coal, machinery, [illegible] merchandise. E[illegible]
ports in 1906 were $295,704.90. Cost of living

FUNCHAL, MADEIRA (closed; salary, $2,000).

There is practically no opportunity for consular work looking to the extension of American trade in Madeira, and the work of the consulate is reduced to practically nothing. France, Germany, Spain, Italy, and Russia are represented by unpaid vice-consuls, and Great Britain contemplates the withdrawal of her consul. American interests could suffer no injury by the abolition of the consulate. Fees collected last year were $425.50. Cost of office was $2,975.77.

GASPE, QUEBEC (closed; salary, $2,000).

A remote village, which under former conditions was important as a fishing center, but is so no longer. Little can be done in the way of American trade, and the office is unnecessary. Fees collected last year amounted to only $112.50, while the office cost the Government $2,099.15 for maintenance.

GENOA.

See Rome.

GLAUCHAU, GERMANY (closed; salary, $2,000).

The need for this office is steadily growing less, and has decreased to such an extent that in the best interests of the service it should be merged into the Chemnitz office, 20 miles distant. The population of Glauchau is 23,000. There are no possibilities for American trade, and there is no possible work in trade matters. Fees collected last year were $2,786.50, while cost to Government was $3,009.11.

GUADALAJARA, MEXICO, (new; consul, class 6, $3,500).

A consulate should be established here at once in the interest of American export trade and for the protection of American interests. There are many openings for American goods; importations from the United States are rapidly increasing. Twelve hundred Americans reside there. Next to Mexico City it is the largest and most enterprising city in the Republic, and it is destined to become the industrial center of Mexico. The population in 1900 was 120,000 and is much larger now.

IQUIQUE, CHILE (increase).

From consul, class 9, $2,000, to class 7, $3,000.

The living expenses at Iquique are so high that a consul can not live there and keep out of debt. Everything has to be imported. It is an important town commercially, the shipping of nitrates being the principal industry. The exports to the United States are annually between $7,000,000 and $8,000,000 in value.

JALAPA, MEXICO (closed; salary, $2,000).

Jalapa is a small town of about 18,000 inhabitants. It is only about 45 miles from Veracruz, with which there is direct railway communication, and the consular business can easily be attended to at the latter place. It cost the Government $2,324.63 to maintain this office last year, while the fees collected there amounted to only $308.

JAMESTOWN, ST. HELENA (closed; salary, $2,000).

This office, on a small island in the Pacific, costs $2,475 per annum, while the services which the consul is called to perform are practically nil, only $16 being received in fees. The United States is the only great power now retaining an office at Jamestown, and its closing will result in no injury whatever to American interests

JOHANNESBURG.

See Pretoria.

KARACHI, INDIA (new; consul, class 7, $3,000).

Population, 100,000. Karachi is commercially very important, a railroad terminus, and the seaport of all northwest India. There is a feed consular agency here now, but it is impossible to get an American for the small amount of compensation. An energetic American as consul here could do much to stimulate American trade.

KINGSTON, ONTARIO (increase).

From consul, class 9, $2,000, to class 8, $2,500. Kingston is a town of a[illegible] 20,000 inhabitants. Its geographical position at the eastern end of Lake O[illegible]rid, together with the fact that it is a railroad center, makes it the most im[illegible]tant office between Montreal and Toronto. Exports to the United States [illegible] last year $344,010. The post should be in class 8.

LA ROCHELLE, FRANCE, transfer to COGNAC (consul, class 8, $2,[illegible]).

Two-thirds of the business of the district is done at Cognac. La Rochel[illegible] out of the beaten track, while Cognac is the center, not only geographically [illegible] commercially, of the great brandy industry. Exports from La Rochelle to [illegible] United States were $449,947 and from Cognac $[illegible],221.

LUCERNE, SWITZERLAND (closed; salary, $3,500)

The consular duties at Lucerne consist principally of certifying invoices [illegible] taking acknowledgments. The fees collected last year were only $[illegible], w[illegible] the office cost $5,053.44 to maintain. While during the tourist season mani[illegible] of Americans visit Lucerne, no hardship would result in the closing of this of[illegible] as Berne and Zurich, where there are consulates, are but short distances a[illegible] and in direct railway communication with Lucerne.

MADRAS, INDIA (new; consul, class 7, $3,000).

Population, 509,346. Madras is commercially and industrially important, [illegible] exports to the United States last year being $2,000,000. A consular agency [illegible] now maintained here. The fees collected last year amounted to $2,74[illegible]. [illegible] realize to the fullest extent the opportunities for American commerce, a g[illegible] energetic American should be stationed at Madras; but the cost of living is h[illegible] and it is impossible to get an American to act as agent at the small compensa[illegible] that can now be allowed. A consulate of class 7 is therefore strongly urged.

MAINZ, GERMANY (closed; salary, $3,000).

Mainz is only 23½ miles from Frankfort, where there is a consulate-gene[illegible] The business of the office is almost entirely certification of invoices, 80 per c[illegible] of which came by mail, and could have as easily gone to Frankfort. While th[illegible] are a number of Americans resident in Mainz, only 138 notarial services w[illegible] performed last year, and no hardship would result in having these attended [illegible] at Frankfort. Cost of office to Government, $4,282.40.

MELBOURNE, AUSTRALIA (change in grade and reduced salary).

From consul-general, class 4, $5,500, to consul, class 7, $3,000.

SYDNEY, NEW SOUTH WALES (change in grade and increased salary).

From consul, class 7, $3,000, to consul-general, class 4, $5,500.

Since the capital of Australia has been moved from Melbourne into the St[illegible] of New South Wales, the city of Sydney has greatly increased in importan[illegible] and as it will continue to so increase it is now advisable that the consula[illegible] general for Australia be located there rather than at Melbourne. The followi[illegible] will show the relative importance of the two cities:

	Sydney.	Melbourn[illegible]
Population	534,[illegible]	521,[illegible]
Tonnage of vessels entering port	762,[illegible]	49[illegible],
Tonnage of vessels clearing from port	712,[illegible]	313,[illegible]
Imports from United States	$12,4[illegible],217	$7,[illegible],
Exports to United States	$19,274,714	$1,[illegible],
Fees collected 1906-7	$4,[illegible]	$2,[illegible]

MERSINE.

See Alexandretta.

MILAN, ITALY (increase).

From consul, class 8, $2,500, to class 5, $4,000.

Milan has a poplutaion of over half a million, and is the second city in size and the wealthiest manufacturing city in Italy. The consulate here is of great importance, as the wholesale business interests of Italy are located in this section. About 50 per cent of the trade movement between Italy and United States is business to and from the Milan consular district. Austria-Hungary has a consulate at Milan, with salary $4,141; Great Britain, $2,920; Germany, $3,570; France, $3,474. The fees collected last year were $9,567.75. As regards cost of living, Milan is probably the most expensive city in Italy. The life of the city is active and the people prosperous, which makes heavy, unavoidable obligations on the consul for incurring expenses. A change of grade to class 5, $4,000, is therefore urgently requested.

MOSCOW, RUSSIA (change in grade and increased salary).

From consul class 8, $2,500, to consul-general, class 4, $5,500.

ST. PETERSBURG, RUSSIA (change in grade and reduced salary).

From consul-general, class 4, $5,500, to consul, class 6, $3,500.

Moscow is preeminently the commercial city of Russia. Austria-Hungary, France, and Belgium have consuls-general there, and Great Britain has reduced its office at St. Petersburg to a consulate. The fees collected at the consulate at Moscow last year were nearly twice as great as at St. Petersburg, and all the work of the two offices maintains the same ratio. At the same time the St. Petersburg office is an important one, there being considerable notarial work performed there, and the general cost of living is high, about 25 per cent higher than in Germany. It is therefore believed that the grade of this office should not be placed lower that consul of class 6, $3,500. The exports for the year 1906–7 from St. Petersburg were $2,750,000, and from Moscow were $6,600,000. Consular salaries of some other powers are:

Country.	Moscow.	St. Petersburg.
United States	$2,500	$5,500
Germany	5,712	7,140
France	4,825	[a] 2,316
Austria-Hungary	3,674	3,816

[a] And residence.

NEWCHWANG, CHINA (change in grade).

From consul-general, class 5, $4,500, to consul, class 4, $4,500.

This is merely a change in grade without change in salary. Newchwang is important commercially, but its importance is no longer sufficient to justify the rank of consul-general. The highest Chinese official stationed at Newchwang is a taotai, or intendent of circuit, and no other power considers this place important enough to justify an official of higher rank than consul. Generally speaking it is not advisable to maintain consulates-general in China, except at places where a viceroy is located.

OWEN SOUND.

See Collingwood.

PORT HOPE, ONTARIO (closed; salary, $2,500).

Population, 5,000. A small town such as this affords no openings for American trade, and an office here is unnecessary for existing American interests. The cost of the office last year was $2,727.11, and the fees collected amounted to only $507.

PORT ROWAN, ONTARIO (closed; salary, $2,000).

A very small town, with no possibilities of an extension of American trade and no American interests now there to justify the presence of a consular officer. Fees collected last year were $266, and cost of maintenance of office was $2,199.95.

PORT STANLEY, FALKLAND ISLANDS (closed; salary, $2,000).

This office, which cost the Government $2,945.92, is of little importance fr an American consular view point. The town has 800 inhabitants, and entire group of islands only 2,000. There is no direct communication w the United States and little, if any, opportunity for American trade. A m better location for the office is at Punta Arenas, in the Straits of Magell where American vessels and seamen require the aid of a consul, and it recommended that this useless office be closed and in its place one be establish at Punta Arenas. (See subsequent statement regarding Punta Arenas.)

PRETORIA, SOUTH AFRICA, transfer to JOHANNESBURG (consul, cla $5,000).

While Pretoria is the capital of the Transvaal, Johannesburg is the great co mercial center of South Africa, with a population of 170,083. To quote fro recent report, there are "more business men and opportunities and more busi transacted in Johannesburg in a week than in six weeks in Pretoria." T opportunities for advancing American commerce will be increased by t transfer.

PROGRESO, MEXICO (increase).

From consul, class 9, $2,000, to class 7, $3,000.

Progreso is the seaport of Merida, the capital of the State of Yucatan, an an important consulate from the standpoint of quarantine matters as well good opportunities for the extension of American trade, and there is now c siderable American capital invested here. It is, however, an extremely un tractive place to live and the cost of living is very high, as everything is i ported. The grade of the office should be raised to class 7, $3,000. F amounted to $2,357.

PUNTA ARENAS, CHILE (new; consul, class 7, $3,000).

Punta Arenas is a port of call for all vessels passing the Straits of Magell and an office here has many duties in connection with American seamen a vessels, and is of particular use to vessels which as a result of the danger storms of this section are in distress or require surveys. It is the port of en for southern Chile and Patagonia and an important place for the establishm of a consulate.

RANGOON, BURMA (new; consul, class 6, $3,500).

Population, 232,326, with 215 Americans. This city has grown rapidly late years, and what has been said above in regard to Madras and Kara applies with even greater force to this city. Imports from the United Sta in 1905 were $768,000, and there is an excellent opening for American goo generally. France pays her consul here $3,860.

RHEIMS, FRANCE (increase).

From consul, class 8, $2,500, to class 6, $3,500.

The city of Rheims has 110,000 inhabitants, and the population of the co sular district is as large as that of Switzerland, its area greater, and the count as rich. Living expenses have about doubled in the past fifteen years. T fees collected last year were $4,481.50. Declared exports for 1905–6 amount to $6,030,000. It is the center of the champagne industry of France.

RIGA, RUSSIA (increase).

From consul, class 9, $2,000, to class 7, $3,000.

The business at this post is steadily increasing. The exports, which in 18 were less than half a million dollars, in the past year increased to $3,986,0 and the fees collected were $2,421.75. The office is important, there being excellent opportunity for the sale of American goods, one American expo house shipping 20,000 tons of freight to Russia this season. It is difficult f the consul to live on a salary of $2,000, and the low grade of the office injur American trade, as it is a matter of comment in Riga commercial circles. Gre Britain pays her consul at Riga $3,163; Germany pays $3,570, and Fran pays $2,895.

ROME, ITALY (change in grade and reduced salary).

From consul-general, class 5, $4,500, to consul, class 6, $3,500.

GENOA, ITALY (change in grade, increased salary).

From consul, class 6, $3,500, to consul-general, class 5, $4,500.

While Rome is the capital of Italy, that is the only ground at the present time on which the retention of the consulate-general there can be urged, and the United States is the only great power giving that rank to its office at Rome, except Austria-Hungary, which has eight consuls-general in Italy. Germany now maintains a consulate-general at Genoa instead of at Rome. Because of the preponderance of commercial and trade interests at Genoa the consulate-general should be there. In 1906 6,000,000 tons of freight were landed at Genoa. The American goods landed there is estimated at $33,000,000, of which $25,000,000 went into the interior, $8,000,000 remaining in Genoa. From the point of supervision and control over the consulates in Italy, Genoa is well situated and is in the same zone of commercial enterprise with the near-by consulates at Leghorn, Florence, Milan, Turin, and Venice. A comparative statement of salaries paid at Rome and Genoa by the United States and some other powers is appended:

Country.	Genoa.	Rome.
United States	$3,500	$4,500
Great Britain	3,893	Honorary.
Germany	4,760	3,570
France	[a] 4,053	1,930
Austria-Hungary	4,141	Honorary.

[a] And residence.

ROTTERDAM, NETHERLANDS (increase).

From consul-general, class 5, $4,500, to class 4, $5,500.

Rotterdam is one of the most important seaports in continental Europe in regard to tonnage and number of ships. It is an important distributing point, supplying the Netherlands and German Rhine country. Industrially it possesses many manufactories, including butterine factories for which American fats and oils are imported. The exports to the United States in 1903 were $3,762,882. The consulate-general has supervision over three consular agencies and much work in connection with immigrants. Rents are high and living expensive. The grade of this office should be changed to class 4.

ST. CHRISTOPHER, WEST INDIES (closed; salary, $2,000).

The island of St. Christopher has a population of about 31,000. There is no opportunity for work along commercial lines, and there are very few duties for a consular officer to perform. Fees, 1906–7, were $212. Cost to Government for the office was $2,546.11.

ST. GALL, SWITZERLAND (change in grade)

From consul-general, class 5, $4,500, to consul, class 4, $4,500.

ZURICH, SWITZERLAND (change in grade and increased salary).

From consul, class 6, $3,500, to consul-general, class 5, $4,500.

Zurich is the most important commercial city as well as the largest in Switzerland. It has a population of 175,000, and is a wealthy, growing city. By reason of the consular business transacted and the possibilities for trade extension, greater here than at any other Swiss post, Zurich is extremely important and the point where the consulate-general with supervision over all Switzerland should be located. A consulate of class 4 is required at St. Gall because of the very great number of invoices certified there, but it is a manufacturing town of about 50,000 inhabitants, and is neither a commercial nor financial center as is Zurich, nor a trade-distributing point, and in relation to the other consular posts in Switzerland it is isolated. St. Gall is the most expensive city for residence in Switzerland, so that the salary should not be reduced. The fees collected there last year were $14,489. Great Britain's representative at St. Gall is a vice-consul, while Austria-Hungary has a consul. At Zurich, Germany has a consul-general, salary $4,284; Italy a consul-general, salary $5,404; France a consul-general, salary $3,474, and Austria-Hungary a consul-general, salary $3,179.

ST. HYACINTHE, QUEBEC (closed; salary, $2,000).

A town of about 13,000 inhabitants, unimportant from the standpoint of the maintenance of a consulate and with no possibilities for the extension of American trade. Fees collected last year were $353.50, and the cost of the office was $2,298.19.

ST. PETERSBURG.

See Moscow.

SALINA CRUZ.

See Tuxpam.

SALONIKI, TURKEY (new; consul, class 6, $3,500).

Saloniki, with a population of between 200,000 and 250,000, is the second largest city in European Turkey, and third in importance of all the ports in the Ottoman Empire. Imports in 1905 are estimated at $11,500,000. Its consular jurisdiction would naturally include Kavalla, with imports amounting in the same year to over $2,500,000, and exports $4,350,000. It is virtually the capital of Macedonia and the natural outlet for Servia. All the great powers and even the smaller ones, such as Greece and Servia, are represented by consuls-general. There are good markets for agricultural machinery and American shoes and good openings for other goods. The expenditures of some governments for consular representation here:

Country.	Grade.	Salary.	Total cost of office.
Great Britain	Consul-general	$4,[illegible]	$[illegible]
Germany	Consul	[illegible]	[illegible]
France	do	[illegible]	[illegible]
Italy	do	[illegible]	[illegible]
Austria-Hungary	Consul-general	[illegible]	[illegible]

SAN JUAN DEL NORTE, NICARAGUA, transfer to BLUEFIELDS (consul, class 6, $3,500).

At one time the port of San Juan del Norte was important, but it has now been practically abandoned. As it has diminished in importance Bluefields has increased. There is now direct steamship communication between Bluefields and New Orleans. The fees collected at San Juan del Norte last year were $121. A consul at Bluefields would have important duties in connection with quarantine matters, American shipping, and protection of American interests in Nicaragua.

SAN LUIS POTOSI, MEXICO (new; consul, class 8, $2,500).

Population, 75,000, with 300 Americans. There is a good general field for American goods, if properly managed by an American. There are now 15 or 20 American firms established. Calls for intervention and protection of Americans are numerous, and this would be one of the principal consular duties here.

SMYRNA, TURKEY (change in grade).

From consul, class 6, $3,500, to consul-general, class 6, at same salary.

This office should be of the grade of consulate-general, on account both of its commercial importance and the standing with the Turkish Government which such rank would give the incumbent. The diplomatic or semidiplomatic questions with which this office is frequently called upon to deal render it important that our representative's dignity should be equal to that of his colleagues, and at Smyrna every great nation, and almost every small one, is represented by a consul-general.

SWATOW, CHINA (new; consul, class 8, $2 500).

The imports for 1905 were about $10,500,000, and the value of trade is growing. There is already a considerable trade in some American goods, and the opportunities for introducing others are excellent. Great Britain, Germany, Japan, Belgium, Netherlands, Sweden, and Norway are represented here by consuls. Germany and Great Britain pay their consuls $3,808 and $3,[illegible], respectively, and France pays $3,088.

SYDNEY.

See Melbourne.

TAPACHULA, MEXICO (new; consul, class 9, $2,000).

There is a good field here for American goods generally. Between $2,000,000 and $3,000,000 is invested by Americans in the immediate vicinity in mining and plantations. Great Britain and Germany have consular representatives here. With the recent opening of the Pan-American Railroad to Tapachula this place has increased greatly in importance.

THREE RIVERS, QUEBEC (closed; salary, $3,500).

Practically the only fees collected at Three Rivers are for the certification of invoices, largely covering goods not subject to an ad valorem duty, which could be certified to at some of the other consulates south of the St. Lawrence River between Three Rivers and the frontier. The town is a small one, about 10,000 population. Fees collected, $3,568.65. Cost of office, $5,103.42.

TRIPOLI, AFRICA, (new; consul, class 8, $2,500).

Tripoli is the natural outlet for the greater part of the desert as well as the Tripolitan hinterland, and it presents possibilities for the future which it would be unwise for us to neglect. Great Britain, Italy, Germany, France, and Austria-Hungary are now represented here. Following are the salaries paid:

Country.	Grade.	Salary.
Great Britain	Consul-general	[a] $3,893
Italy	Consul	2,808
Germany	Vice-consul	Honorary.
France	Consul-general	4,246
Austria-Hungary	Consul	Honorary.

[a] And residence.

TUXPAM, MEXICO, transfer to SALINA CRUZ (consul, class 9, $2,000).

Tuxpam and its business are not of sufficient importance to warrant the retention of a consulate there or in the vicinity, while an office is now urgently needed at Salina Cruz, which is a seaport on the Pacific coast and the terminus of the railroad across the Isthmus of Tehuantepec. It is a port of call for many vessels needing consular services.

UTILA, HONDURAS (closed; salary, $2,000).

This office, which is on a small island in the Caribbean Sea, collected last year in fees $190, while it cost the Government $2,096.85. There is no opportunity for consular work other than of a purely routine character and no chance for the furtherance of American trade and interests.

VANCOUVER, BRITISH COLUMBIA (change in grade and increased salary).

From consul, class 5, $4,000, to consul-general, class 5, $4,500.

There is no consul-general on the west coast of British America, and it is advisable to have one at Vancouver, that he may exercise supervisory power over the consulates in British Columbia and the Yukon because of the remoteness of these offices, the large number of American citizens, and the recent rapid growth of the region. In addition to his important commercial duties, a consular officer at Vancouver has many notarial duties, and much work in connection with the sealing of cars containing fish and oriental wares shipped in bond through Canada to the eastern part of the United States. The salary should be commensurate with the duties performed. The exports from Vancouver to the United States last year were $3,866,523. The fees collected last year were $4,244.

WARSAW, RUSSIA (increase).

From consul, class 9, $2,000, to class 5, $4,000.

Warsaw has a population of 761,000, and is important commercially, there being a good opening for American shoes, agricultural machinery, etc. Great Britain maintains a consulate-general here with $3,893 salary; Germany a consulate-general, $7,140; France a consulate-general, $5,211, and Austria-Hungary a consulate-general, $4,872. A consul can not live on a salary of $2,000 in Warsaw, and the change of grade to class 5, $4,000, is strongly urged.

WEIMAR, GERMANY, transfer to ERFURT (consul, class 8, $2,500).

A consular office is needed in the district, but should be at Erfurt, whi more centrally located and accessible. Weimar's population is 30,000. w Erfurt has in the last three years increased from 86,000 to over 100,000, ar steadily growing. More invoices originate there than in any other city in district, and they now have to be sent to Weimar for certification. Practic none originate in Weimar.

WINDSOR, NOVA SCOTIA (closed; salary, $2,000).

The population of this small town in 4,000. There is no American ca invested and no possibilities for the extension of American trade. An o of consular grade is not necessary, and the $2,250.17 spent for its mainten last year could be used to much better advantage in other quarters.

WINNIPEG, MANITOBA (change in grade and increased salary).

From consul, class 6, $3,500, to consul-general, class 5, $4,500.

The great Canadian northwest, of which Winnipeg is the center, shoul made a center for the supervision of the American consular offices in district. At present there is no consulate-general in Canada west of Ott Another reason for the advancement of this office is the great number of A icans—20,000 here and thousands in the surrounding country. The maj of the big enterprises of the city are controlled by American capital and prospects for the extension of American trade in all fields are excellent. O to the rapid growth of this section the cost of living is quite high, so tha increased salary as well as rank is strongly recommended. Four thousand ninety dollars in fees was collected at this office last year, and $2,623.50 at agencies under it. The exports to the United States were $2,202,952

WOODSTOCK, NEW BRUNSWICK (closed; salary, $2,000).

Woodstock has a population of only 3,000, with no American capital inve and with no possibilities of extension of American trade. Practically the consular duty is the formal certification of invoices of goods subject to spe duty.

ZITTAU, GERMANY (closed; salary, $2,500

Zittau is a town of 35,000 inhabitants, with no direct trade with the Un States, and the indirect trade is unimportant. It depends entirely u the city of Dresden, where the work of the office could be attended to wit inconvenience or injury to the Government interests. There are no Amer interests, and there is no outlook for extension of trade with the United St Fees collected last year, $3,646.50; cost of maintenance of office, $3,588.81.

ZURICH.

See St. Gall.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1229.

REMOVAL OF RESTRICTIONS ON LANDS OF QUAPAW AGENCY INDIANS.

MARCH 13, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HACKNEY, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 16743.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Oklahoma, and the sale of tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, beg leave to submit the following report and to recommend that the bill do pass without amendment.

The purpose of the bill is to remove the restrictions on substantially one-half of the several allotments to the Indians in the Quapaw Agency, Okla. By its terms the bill requires each allottee to make a selection of a homestead, that of the Modocs to be 24 acres and that of the other Indians to be 40 acres. This homestead is to retain the restrictions on alienation, incumbrance, and taxation, as provided by the several allotment acts, and that part of the allotment not covered by the homestead is released from all restrictions, and the Secretary of the Interior is to issue a patent in fee therefor.

The average allotment in this agency is as follows: To the Quapaws, Peorias, Miamis, Ottawas, Eastern Shawnees, Wyandottes, and Senecas, 80 acres; to the Modocs, 48 acres.

By the provisions of this bill there is guaranteed to every allottee a homestead free from sale, incumbrance, or taxation for the trust period stated in the certificates of allotment or patents issued by the Government. The allotment acts applicable to the tribes of this agency do not provide for homesteads as is the case with the Five Civilized Tribes, nor were rolls of these tribes showing the quantum of Indian blood of the allottees ever made.

The bill further provides that a patent in fee may be issued to any allottee for his homestead in the discretion of the Secretary of the Interior, so that those who are capable may dispose of all their lands if to them it is advantageous or desirable.

The Quapaw Agency is located in the northeast corner of the new State of Oklahoma and forms part of Ottawa County in said State.

This agency is composed of seven small tribes, to wit, Quapaw, Confederated Peorias and Miamis, Ottawas, Eastern Shawnees, Modocs, Wyandottes, and Senecas, with a total Indian population of about 1,700, of which 1,484 have received allotments in severalty. Those not having allotments have been born since allotments were made. The unallotted land is located here and there in small tracts throughout the reservation, of which 346 acres have been set aside for school and church purposes. Under the provisions of this bill the Secretary of the Interior is authorized to dispose of the surplus or unallotted (tribal) land by sale and to disburse the proceeds pro rata to the members of each tribe owning such lands.

Allotments were first made to the Peorias and Miamis in 1890 under a special act passed in 1889 (25 Stat. L., 1013).

In 1891 and 1892 the Wyandottes, Senecas, Eastern Shawnees, and Ottawas were given allotments under the general allotment act of February 8, 1887 (24 Stat. L., 388).

By treaty with the Eastern Shawnees in 1874 that tribe ceded 4,000 acres to the United States for permanent homes for the Modoc Indians. Congress confirmed that treaty in 1875 (18 Stat. L., 447.) This tract was surveyed and platted into lots of 24 acres each, and in 1891 an allotment of 48 acres (two lots) was made to each member of the Modoc tribe.

In 1893 the Quapaws, by an act of their tribal council, made their own allotments entirely free from Government supervision, which action was subsequently ratified and confirmed by act of Congress of March 2, 1895.

In 1902 the Seneca and Eastern Shawnee tribes, having sufficient tribal land for that purpose, allotted 120 acres to each minor child of the tribes born since the allotment of 1892.

By the act of June 7, 1897 (30 Stat. L., 72) the allottees of the Quapaw Agency, which embraces all of the foregoing tribes, were permitted to lease their lands without the supervision of the Secretary of the Interior and were made citizens of the United States.

It will thus be seen that all the tribes of this agency have had allotments in severalty for over ten years and have exercised entire control over their lands and property, except that of alienation, for fully that period. They are citizens of the United States and of the State in which they reside, are subject to and receive the protection of the law, have the right of suffrage, and yet their land is exempt from taxation for the support of the Government which affords protection to their lives and property, and they are unable to dispose of any portion of their land. These Indians are, as a class, intelligent, industrious, self-supporting, law-abiding, and progressive. The Commissioner of Indian Affairs, in his report of 1902, page 189, speaks of these Indians as follows:

> An intelligent person can no longer doubt that as a class the Indians of this agency are as able to assume and as competent to maintain the responsibility of citizenship as any class of people on the face of the globe.

Again, in his report for 1904, page 182, he says:

> Out of a total population of 1,649, 60 per cent is of less than half Indian blood. 17½ per cent reside out of the agency, and about 30 per cent of the male adults are farmers.

Again, in his report in 1906, page 219, he says:

> In morality and virtue, honesty and integrity, and in agriculture, stock raising, and all other industries the Indians of this agency are as a class the equal of the

whites who live among them. No tribal customs or laws are observed or are in force. The Indians here are in a general way familiar with the objects and workings of the courts.

The following letter from the Secretary of the Interior was transmitted to the Speaker of the House of Representatives on February 5, 1908:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1908.

SIR: The Indians under the jurisdiction of the Quapaw Agency, Ind. T., who have received allotments in severalty, either under the act of February 8, 1887 (24 Stat. L., 388), known as the general allotment act, or under special acts applicable to a particular tribe, are by virtue of section 5 of the act of February 8, 1887, and of the act of March 3, 1901, citizens of the United States. They may lease their allotments for farming, grazing, or mining purposes, and by the act of May 2, 1890 (26 Stat. L., 81), the laws of the State of Arkansas were extended in their operation to embrace all persons and estates in Indian Territory, whether Indian, freedmen, or otherwise. Therefore no jurisdiction over the person of the Indians of the Quapaw Agency has been exercised by the officer in charge since the passage of said act.

There are no blanket Indians among the tribes; in fact, the majority of these converse in the English language. As a class they are moral, sober, progressive, and self-supporting.

I am convinced that the time has now come when these Indians should be permitted to manage their own business affairs and that the enactment of legislation authorizing this would promote the progress and welfare of the majority of these Indians. I have therefore caused to be prepared the inclosed draft of a bill authorizing the issuance of patents in fee simple to all Indians holding allotments within the jurisdiction of this agency under a patent containing restrictions against alienation; the sale of all agency, school, and other Government buildings on all the reservations, and the sale of the remaining tribal lands by sealed bids or public auction and the division pro rata of all tribal or other funds now on deposit in the United States Treasury or elsewhere to the credit of these Indians, together with the proceeds derived from the sale of the tribal lands; in other words, authorizing the Secretary of the Interior to take all necessary action looking to the placing of these Indians on their own responsibility, relieved of all Government supervision. While in some few cases the Indians may not be prepared for this wide departure from the policy of years, I am of the opinion that, considering the rights of the tribes as a whole, this action is proper, and I therefore recommend this legislation receive favorable consideration.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

In accordance with the recommendations contained in this letter the bill accompanying the same was introduced in the House and is H. R. 16500. The first section of said bill is as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee simple to each allottee within the jurisdiction of the Quapaw Agency.

Sections 2 and 3 are similar to sections 3 and 4 of H. R. 16743.

On February 18, 1908, while H. R. 16500 was pending before the Committee on Indian Affairs, the Secretary of the Interior transmitted to the chairman of that committee the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1908.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

SIR: I have been informally advised that there may be opposition in the committee or on the floor of the House to the enactment into law of H. R. 16500, entitled "A bill to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes."

This bill was originally prepared by the Department because there were ex tional reasons why its provisions should be enacted into law.

A number of the Indians under the Quapaw Agency have petitioned for paten fee, but because the act of May 8, 1906 (34 Stat. L., 182), expressly provided its provisions should not extend to "Indians in Indian Territory" further legisl for their benefit is imperative. As they are particularly advanced in their abili manage their own affairs, it is believed the time is ripe for the removal of all re tions from these Indians.

Owing to the opposition which has developed, however, the Office has prepa draft of a substitute bill with a view to meeting the objections which have raised, and while H. R. 16500 would be a more satisfactory measure, if it is imp ble to secure its enactment into law the substitute bill (a copy of which is inclo would be the next most satisfactory legislation for these Indians.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secreta*

The draft of the bill inclosed with said letter is identical in te with H. R. 16743. It will thus be seen that the Secretary of Interior is of the opinion that patents could now issue to each of allottees, conveying the several allotments in fee without prejudic the rights of the Indians; but, as hereinbefore stated, the pending provides for the issuance of a patent for substantially one-half of allotment, reserving the remainder for a homestead, with power in Secretary of the Interior to issue patents for the reserved part wl ever in his judgment the allottee is capable of managing his affairs.

The Indians of this agency, like those of the Five Civilized Tri have shown that they fully merit and are capable of discharging rights and duties of citizenship conferred upon them. They h taken an active part in the public affairs of the new State of Oklaho Many of them hold State, county, and other offices and are discharg their public and private duties in such a manner as to reflect credi any people. They deal with the life, liberty, and property of t citizens, whether Indians or whites, and certainly ought to be permi to have, use, and enjoy the full measure of ownership of land whic their own. To longer deny them this right, guaranteed by the Co tution to every citizen of our land, by retaining restrictions on disposition of their property, so that they are given but a restric use instead of full beneficial use and ownership, is manifestly unf The constitution and laws of the State of Oklahoma safeguard life, liberty, and property of all her people. Her courts are organized and presided over by men of ability and probity and c pare favorably with those of any other State in the Union.

Your committee therefore concur in the opinion of the Secret of the Interior that the only just criticism of this bill is that it d not go far enough, in that it removes only half of the restricti instead of the whole.

Provision is made in the pending bill avoiding any deed, contrac sale, or incumbrance made by the allottee prior to the issuance of fee-simple patent.

Under the terms of this bill the unallotted tribal lands and all ager school, or other Government buildings will be disposed of by the retary at public auction or by sealed bids, and the proceeds of s sale, together with all tribal funds, will be apportioned pro rata to members of each of the respective tribes.

Your committee therefore report the bill favorably and recomm that it do pass.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1230.

INDIAN APPROPRIATION BILL.

MARCH 13, 1908.—Ordered to be printed.

Mr. SHERMAN, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 15219.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 49, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, 104, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made

and delivered in the same manner as now provided by law for o tribal property: Provided, That when practicable preference right s be given to the State, counties, and municipalities of Oklahoma to p chase said lands and improvements at the appraised value: And p vided, That pending such appraisement and sale the Secretary of Interior may temporarily lease said buildings and lands for the ben of the tribes respectively to which they belong.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendmen the Senate numbered 5, and agree to the same with an amendm as follows:

In line 2 after the word "and" strike out the words "purchase and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment the Senate numbered 12, and agree to the same with an amendm as follows:

Strike out all of said amendment and correct the total so as to r *In all, two million one hundred and fifteen thousand dollars;* and Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendmen the Senate numbered 17, and agree to the same with an amendment follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is hereby authorized to a special Indian agent, or other representative of his office, to visit Indian tribe for the purpose of negotiating and entering into a wr agreement with such tribe for the commutation of the perpetual an ties due under treaty stipulations, to be subject to the approva Congress; and the Commissioner of Indian affairs shall trans Congress said agreements with such recommendations as he may d proper.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment the Senate numbered 27, and agree to the same with an amendm as follows:

Strike out the word "ninety" and insert in lieu thereof the w *eighty-five;* and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment the Senate numbered 28, and agree to the same with an amendm as follows:

In line 4 strike out the word "may" and insert in lieu thereof word *shall.*

In the same line strike out the words "from this" and in line 5 word "appropriation."

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows:

At the end of said amendment add the following:

Provided, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary.

And the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

After the word "reservation" in line 10 add:

Provided, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe.

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In line 2, after the word "authorized," insert the words *in his discretion*, and in line 6, after the word "purchase," strike out the words ", in his discretion,".

In line 9, after the word "Iowa," strike out the balance of said amendment.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment o the Senate numbered 39, and agree to the same with an amendme as follows:

In line 2, after the word "to," strike out the words "use and;" a the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment o the Senate numbered 42, and agree to the same with an amendme as follows:

In line 2 strike out the words "and directed" and insert in lieu there the words *in his discretion*, and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment o the Senate numbered 43, and agree to the same with an amendment follows:

After the word "conclusive" in line 10 insert:

Provided, That the expense thereof shall be paid out of the mone found due said Indians in said cause.

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment o the Senate numbered 51, and agree to the same with an amendment follows:

In line 1, after the word "implements," insert the words *oth equipment*.

In line 9, after the word "Interior," insert the words *provided th said expenditures shall be made*."

And the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment o the Senate numbered 53, and agree to the same with an amendme as follows:

Strike out all of said amendment and insert:

That the Secretary of the Interior be, and he is hereby, authorized an directed to examine and report on the advisability and expense of settlin Chief Rocky Boy's band of Chippewa Indians, now residing in Mon tana, upon some suitable existing Indian reservation, or public land and to report to Congress the cost thereof, including the cost of makin such preparation for the use of the lands upon which they are to b settled, as in his judgment seems necessary.

And the Senate agreed to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment o the Senate numbered 59, and agree to the same with an amendment a follows:

Strike out all of said amendment after the word "make," in line 1 and insert in lieu thereof the following:

such arrangement and agreement in reference thereto as said Secreta deems for the best interest of the Indians: Provided, That no lien charge for construction, operation, or maintenance shall thereby b

created against any such reserved lands: And provided further, That to meet the necessary cost of carrying out this legislation, the Secretary of the Interior is authorized to expend, out of the sum appropriated in this Act for irrigation, an amount not exceeding thirteen thousand dollars.

And the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In line 2 strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following: *For construction of concrete walk, driveways and grading, two thousand five hundred dollars;* and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 1 strike out the word "twenty" and insert in lieu thereof the word *six;* and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In line 2 strike out the word "five," and insert in lieu thereof the word *three;* and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows:

Strike out all of said amendment and correct the total so as to read: *In all, thirty-six thousand seven hundred dollars;* and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In line 2, after the word "Jack," insert the words *Choctaw allottees,* and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In line 2 strike out the words "and directed" and insert in lieu thereof the words *in his discretion.*

At the end of said amendment add:

Provided further, That the Secretary of the Interior is authorize in his discretion, to pay, upon the surrender of the note hereinaft described, out of the above sum appropriated for the Sac and F Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of six hundred dollars, in full settlement of a pro issory note given by Mo-ko-ho-ko and Ke-wa-quah, chiefs of the S and Fox Indians, and Ketch-e-Cuch, a councilman.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment the Senate numbered 84, and agree to the same with an amendment follows:

Strike out all of proposed amendment, and on page 36, in line 2 after the word "patent," strike out "and conveying," and in line 2 strike out the word "same;" and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment the Senate numbered 88, and agree to the same with an amendment follows:

Strike out all of said amendment and insert in lieu thereof:

That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, or whose right to be upon said rolls is or shall a matter of litigation, and attorneys employed by them to secure the restoration to, or their right to be upon said rolls, are hereby declared valid and enforcible, in the event of the restoration of said persons the rolls or success in such litigation, against allotted lands or funds of the persons so restored to, or given rights upon the said rolls if such contracts are approved by the Secretary of the Interior in the original or such modified form as he may deem equitable, and otherwise.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment the Senate numbered 90, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, in compensation for his services as such governor, the sum of one thousand five hundred dollars per annum from March 4, nineteen hundred and six, so long as he shall legally serve such governor.

And the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment the Senate numbered 92, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu thereof: *and the Secretary of the Interior is directed to so disburse this appropriation*

to complete said work by July first, nineteen hundred and nine; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

Strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word *two;* and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu of the amount proposed *twelve thousand dollars;* and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a six-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress.

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding seventy-five thousand dollars, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the absentee Utes, and the amount so expended for each individual absentee shall be made a matter of record to be charged against and deducted from the share said absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe.

And the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendn of the Senate numbered 103, and agree to the same with an am ment as follows:

On line 3 of said amendment strike out "Uinta" and in *Uintah.*

Transpose entire amendment to page 48 and place after amendn 101.

And the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the Hou

MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Sena

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The Senate made 104 amendments to the bill and added to the amount appropriated, in round figures, $1,800,000. In conference the Senate has agreed to recommend receding from 26 amendments and has consented to the modification of many others, so that of the amount the bill was increased in the Senate, the conferees propose to recede from something over $1,000,000, and to leave in the bill an increase of something less than $800,000.

The Senate receded from amendments Nos. 21, 22, 23, 24, 49, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100, leaving the bill, in so far as these amendments are concerned, in the form in which it passed the House.

The House receded from Senate amendments Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, 104, and from all other amendments the House receded with amendments.

Amendments Nos. 1, 7, and 8 make immediately available a part of the appropriation for allotments under the act of 1887 and for irrigation and survey and subdivision of Indian reservations.

Amendments Nos. 18, 19, and 20 make continuous certain administrative features of the bill, which, with the exception of No. 20, have been in the Indian appropriation bill for many years.

Amendment No. 2 authorizes the purchase of supplies and the letting of contracts for irrigation work, where the expenditure does not exceed $5,000, without advertisement. This provision in substance has been in the Indian appropriation bill for ten years or more, but without limitation as to amount. The provision has been of convenience and value, especially where work was to be done on reservations remote from trade centers.

Amendment No. 3 provides that where a new bond is required of an officer of the Bureau, the old bond may be canceled.

Amendment No. 4, as agreed to in conference, grants authority to the Secretary of the Interior to dispose of buildings and lands now owned by any of the Five Civilized Tribes and heretofore used for tribal and school purposes, and to deposit the proceeds to the credit of the several tribes in the Treasury. The amendment also provides that pending a sale of such property, the same may be leased for the benefit of the tribe affected.

The appropriation for "ditches and reservoirs," as presented to the House contained the words "and so forth," and these words having been stricken out in the House, amendment No. 5 inserts the words "irrigating tools and appliances," which was intended to be covered by the objectionable words stricked out.

Amendments Nos. 6 and 9 are corrections in phraseology.

Amendment No. 10 increases by $15,000 the amount appropria for suppression of the liquor traffic.

Amendment No. 11 increases by $100,000 the amount appropria for the support of day and industrial schools.

Amendment No. 12 is the correction of total made necessary by adoption of the previous amendments.

Amendment No. 13 authorizes the Commissioner of Indian Aff to conduct experiments in reference to soil, climate, cultivation grain and vegetables, etc., on school and agency farms.

Amendments Nos. 14 and 15 strike out words which were belie to be superfluous and do not change the intent of the provisions.

Amendment No. 16 authorizes officers who have the disbursem of funds for Indians to deposit them in any convenient national ba providing the officers making such deposits require from the bank used a sufficient indemnity bond.

Amendment No. 17 authorizes the Commissioner of Indian Aff to negotiate agreements with any Indian tribe having a present ag ment with the United States for perpetual annuities, for the surren of these perpetual annuities, such agreements to be effective o when approved by Congress.

Amendments Nos. 25 and 26 make provision for the appointment practical farmers and practical stock men, subject only to such exa nation as the Secretary of the Interior prescribes.

Amendment No. 27 increases by $10,000 the appropriation for c tingent expenses.

Amendment No. 28 provides for the Government paying the p mium for bonds which it requires of disbursing officers.

Amendment No. 29 appropriates $9,000 and makes it immediat available for the improvement of the power and heating plant at Phoenix, Arzi., school.

Amendment No. 30 is a change of total made necessary by the ad tion of amendent No. 29.

Amendment No. 31 appropriates $50,000 for purchasing homes the Indians of northern California; provided that it is expressly und stood that this shall be the final appropriation for this purpose.

Amendment No. 32 reappropriates $1,000 unexpended balance, he tofore appropriated for the purpose of removing obstructions in bed of a stream flowing through the Round Valley Reservation California.

Amendment No. 33 appropriates $10,000 for the construction o wagon road for the use of the Indians of the Hoopa Valley Indi Reservation in California. The amendment as modified in confere provides that no part of this sum shall be expended until the pro officers of the Bureau shall certify that the amount herein appropria will fully complete the work under contemplation.

Amendment No. 34 appropriates $15,000 to be expended by Secretary of the Interior for the use of the Yuma and Colorado Ri Indians and provides that the amount thus expended shall be rei bursed to the Treasury from the sale of lands provided for in amendment.

Amendment No. 35 provided for the setting apart of a certain p tion of the Coeur d'Alene Reservation in Idaho for a public pa transferring the same to the State of Idaho, and made appropriati

for the payment to the Indians in compensation therefor. The amendment as agreed to in conference authorizes the Secretary of the Interior to sell the land therein described to the State of Idaho for park purposes, upon receiving therefor such compensation as the Secretary of the Interior considers adequate, the amount so received to be held for the use and benefit of the Indians whose land is taken.

Amendment No. 36 authorizes the issuance of a patent to the Episcopal Church for certain lands now occupied by said church for church purposes on the Coeur d'Alene Reservation in Idaho, the patent to be issued only upon the consent of the Indians.

Amendment No. 37 makes available for the next fiscal year the unexpended balance of an appropriation heretofore made for the survey of the Lemhi Reservation in Idaho.

Amendment No. 38, as it passed the Senate, directed the Secretary of the Interior to expend $62,000 out of the funds of the Sac and Fox Indians, held in trust, in the manner described in the amendment for the benefit of said Indians. As agreed to in conference this amendment authorizes such expenditure in the discretion of the Secretary of the Interior.

Amendment 39 is really a part of amendment No. 38, but it authorizes the further expenditure of $5,000 for the benefit of the same Indians in the manner described in the amendment.

Amendment No. 40 appropriates $600 for the purpose of putting in respectable condition an old Indian cemetery in Kansas.

Amendment No. 41 authorizes the Secretary of the Interior to lay out highways on a section of land in the Pottawatomie Reservation in Kansas. It does not involve any expense on the part of the Government.

Amendment No. 42, as passed by the Senate, directed the Secretary of the Interior to pay to the Iowa Indians in Kansas the balance of their trust fund in the Treasury. The amendment as agreed to in conference authorizes the Secretary, in his discretion, to make such payment.

Amendment No. 43 authorizes the Secretary of the Interior to make a roll of the Ottawa and Chippewa Indians who are entitled to participate in the funds to which the Court of Claims has held that they are entitled. In the conference a provision was added to this amendment charging the fund with the expense of making the roll.

Amendment No. 44 makes appropriation for the pay of the Indian agent at the White Earth Agency, Minn.

Amendment No. 45 is a change of total made necessary by Amendment 44.

Amendment No. 46 is a reenactment of a provision in the last appropriation bill providing for a payment out of the funds of the Chippewas of Minnesota. By error in the last bill these Indians were described as "the Chippewas of Mississippi." This amendment is simply to correct that error.

Amendment No. 47 authorizes the Secretary of the Interior to pay the expenses, out of the funds of the White Earth band, for an annual celebration which this band is accustomed to hold, and which celebration is rather in the nature of a fair than anything else.

Amendment No. 48 modifies a statute providing for the payment of annual installments to the Red Lake Indians in the spring instead of in the fall.

Amendment No. 50 appropriates $10,000 for the constr
saw and flour mill for the Flathead Indians, to take the p
destroyed by fire, the amendment providing that the ar
expended should be reimbursed to the Treasury from the s
of these Indians to be made after allotments are completed.

Amendment No. 51 makes an appropriation of $25,
expended in the purchase of machines, tools, animals, et
Fort Belknap Indians in Montana, and provides that said n
be reimbursed to the Treasury from the proceeds of the sa
now being made.

Amendment No. 53, as it passed the Senate, made an ap
of $30,000 for the purpose of locating Chief Rocky Boy
Chippewa Indians upon some Indian reservation, with the
the Indians owning reservation. The amendment, as agree
ference, provides that the Secretary make examination an
Congress as to where these Indians could best be located, a
thereof.

Amendment No. 59 makes provision for charging In
directly benefited by irrigation work done by the Reclamati
with their proportion of the cost of such work, but especial
that no lien shall be created against the lands which wo
possibility deprive the Indians of the title thereto. The
also authorizes the Secretary of the Interior to pay from t
irrigation fund, appropriated in this bill, the maintenar
within the prescribed limit for a given period for this servi

Amendment No. 67 is simply a transposition.

Amendment No. 70 appropriates $5,000 for the purch
stock, seeds, farm implements, and machinery for the Wahp
school, North Dakota, and amendment No. 71 appropriates
the making of walks and driveways and grading at the sam

Amendment No. 72 makes an appropriation of $6,000 fo
tion of a school hospital at the Wahpeton school, North D
amendment No. 74 appropriates $3,000 for the equipment of
workshop, and school buildings at said school.

Amendment No. 76 is a change of total made necessary by
tion of prior amendments.

Amendment No. 77 appropriates $1,800 for the agent at
Berthold Agency, this work having heretofore been done by
intendent of the school, which has now been destroyed by fi

Amendment No. 78 authorizes the sale of 640 acres of lan
for reservation purposes at the Cheyenne and Arapahoe A
Oklahoma, and further authorizes the use of the money de
such sale in improving and extending the school facilities pr
the Cheyenne and Arapahoe Indians.

Amendment No. 79 authorizes two Choctaw allottees

tion, also, is left the payment of a note of $6,000 which is apparently a just charge upon the funds.

Amendment No. 82 provides for the payment of $215,000 as a full and complete settlement of all differences growing out of all treaties between the United States and the Mexican Kickapoo Indians, and provides that the receipt of said money shall be a discharge in full of all claim and demand of said Indians against the United States.

Amendments Nos. 84 and 86 are purely phraseological.

Amendment No. 87 extends the power of the Secretary of the Interior in investigating as to the allotted lands of the Five Civilized Tribes, not merely the leasing thereof, but powers of attorney, contracts, deeds, or agreements given in reference to the sale thereof.

Amendment No. 88, as agreed to in conference, authorizes the Secretary of the Interior to prove in either the original or in such modified form as he thinks equitable, contracts made between persons stricken from the rolls of the Five Civilized Tribes and attorneys employed by such persons to prosecute their rights.

Amendment No. 89 authorizes the payment to one Samuel Brown of $7,384.94 from the funds of the Creek Nation; the Department having made investigation as to the justice of this claim and reported in favor thereof.

Amendment No. 90, as agreed to in conference, provides for the payment to Governor Johnson, governor of the Chickasaws, of $1,500 per year from March 4, 1906, until the day he ceases to act as such governor. Governor Johnson has not drawn compensation as governor, the salary heretofore fixed having been $1,500, the Chickasaw council having passed an act increasing this compensation to $3,000, and the President not having approved the same.

Amendment No. 91 increases from $150,000 to $300,000 the appropriation for schools for children other than Indian children living in what has heretofore been the Indian Territory.

Amendment No. 92 directs the Secretary of the Interior to bring to completion by July 1, 1909, the work now being done by the Commission to the Five Civilized Tribes.

Amendment No. 93 appropriates $108,000 to pay the claim of the Klamath Indians for lands formerly within their reservation, but erroneously allotted by the United States to settlers.

Amendment No. 95 increases by $100 the compensation of the agent at the Lower Brule Agency.

Amendment No. 96 increases by $400 the compensation of the agent at the Pine Ridge Agency.

Amendment No. 97 is a change of the total made necessary by amendments Nos. 95 and 96.

Amendment No. 98, as passed by the Senate, appropriated $5,000 for the development of certain springs on the farm of the Rapid City school, South Dakota. The amendment, as agreed to in conference, authorizes the Commissioner of Indian Affairs to invite proposals for the construction and completion of a water system for the school, to be supplied from said springs.

Amendment No. 101 authorizes the Secretary of the Interior to expend of the trust funds of the Ute Indians an amount not to exceed $75,000 to relieve their present distressed condition.

the consent of the Indians of the Wind River Reservation to transfer to the Catholic Church the lands now occupie church for church and school purposes.

J. S. SHERMAN,
THOMAS F. MAR
JNO. H. STEPHE
Managers on the part of

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1231.

NAVAL MILITIA.

MARCH 13, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Foss, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 7620.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7620) to establish a Naval Militia and define its relations to the General Government, having considered the same report it back and recommend its passage with the following amendments:

Page 2, lines 3, 4, and 8, strike out the words "commanding general" and insert in lieu thereof the word "Commissioners."

The Naval Militia of the several States have for a long time been desirous of the passage of a law recognizing their standing and defining their relations to the National Government, and at an annual meeting of the Association of the Naval Militia, held in Washington, January 14, 1904, at which were gathered delegates and representatives from the different organizations throughout the country, this bill was unanimously approved and its enactment urged.

The committee favorably reported H. R. 10858, a bill as amended being identical to the bill under consideration, on March 26, 1906.

The General Board of the Navy Department originated the bill, and the same has been indorsed by the Secretary of the Navy in the following letter:

NAVY DEPARTMENT,
Washington, April 23, 1904.

SIR: Referring to H. R. 10137, introduced the 18th of January, 1904, entitled "A bill to establish a Naval Militia and define its relations to the General Government," the Navy Department earnestly desires that this bill be enacted into law. The bill represents the needs of the Navy and the country so far as at present developed, and it is hoped that development along the lines of this bill, which is needed at this time, will not be delayed.

Until the enactment of such a bill the naval militias of the several States are not admitted to the benefits given the organized militia by the Dick bill, and, except for one clause in the naval appropriation bill, are without sanction of the law of Congress, existing by State law only.

Respectfully,

W. H. MOODY,
Secretary.

Hon. GEORGE E. FOSS,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

Section 1 provides that such of the organized militia as each Sta may elect shall constitute a Naval Militia.

Section 2 provides that all of the provisions of the act approv January 21, 1903, known as the Dick Act, which define the relatio between the organized militia and the United States Government sh be applicable to the Naval Militia as a part of the organized militia the several States, Territories, and the District of Columbia, and th the Secretary of the Navy shall perform, so far as the Naval Militia concerned, the same duties therein named as the Secretary of W shall perform for the militia.

Section 3 provides that the Secretary of the Navy may, upon t request of the governor of any State or Territory or of the Commi sioners of the District of Columbia, appoint an officer or officers inspect, instruct, examine, and train the Naval Militia with a view producing uniformity among the Naval Militia in organization, dis pline, training, armament, and equipment and assimilating them to t standard of the United States Navy.

Section 4 provides that the rules and articles of the Regular Na shall govern the Naval Militia when called into actual service of t United States.

Section 5 provides that the appropriations which may be made Congress from time to time for the Naval Militia shall be distribut among them according to such equitable proportions as may be dete mined by the Secretary of the Navy.

Section 6 provides that all laws and sections of laws conflicting wi the provisions of this act shall be repealed.

This bill is also strongly recommended by the Assistant Secreta of the Navy, Mr. Newberry.

UNITED STATES NAVAL MILITIA, 1887–1907.

An examination of the Naval Militia movement shows that it h grown out of an endeavor to create a force of men and ships to available for reenforcing the Regular Navy on demand.

Mr. Whitthorne introduced Senate bill 3320, February 17, 18 "To create a Naval Reserve of auxiliary cruisers, officers, and m from the mercantile marine of the United States." The measure d not become a law. The Navy Department, in 1887, prepared a pl of organization for a Naval Militia.

Mr. Whitthorne introduced January 4, 1888, H. R. 1847 and su stituted June 26, 1888, H. R. 10622 "To provide for the enrollment Naval Militia and the organization of naval forces, etc." This bill d not become a law, but it was the basis of State action in several State

On October 1, 1891, California, Massachusetts, New York, Nor Carolina, Rhode Island, and Texas reported an enrolled Naval Milit of 1,149 men and officers. These forces were parts of the Nation Guard or volunteer militia of their States.

In 1892 Texas had dropped out and South Carolina come in. T total enrolled Naval Militia was 1,794. The organizations of fo States were drilled on seagoing men-of-war in the Navy.

In 1893 the force reported from nine States was 2,376. The Nav Militia of five States drilled on naval vessels.

In 1894 eleven States reported 2,539 men, exclusive of officer The naval militia of six States was drilled on naval vessels.

In 1895 thirteen States reported 2,695 men, exclusive of officers. Most of the battalions went into camp. The Naval Militia of four States was drilled on naval vessels. One State's force made a boat reconnoissance and survey.

In 1896 fourteen States reported 3,339 men, exclusive of officers. Most of the organizations were drilled on naval vessels. Some went into camp.

In 1897 fifteen States reported 3,703 men. The Naval Militia of twelve States was drilled on naval vessels and with torpedo boats. Target practice, mainly with subcaliber guns, was given. A memorandum for the probable field of operations was prepared from the views of the Naval War College and reports of boards of inspection. This memorandum included:

1. Manning a flotilla for defense of interior waters.
2. Protection of harbors by mines and improvised batteries.
3. Maintenance of signal stations and a system of scouting.

In 1898, prior to the outbreak of hostilities of the Spanish-American war, it was found necessary to make a large increase in the enlisted force of the Navy.

The only additional trained men available were the officers and men of the Naval Militia of the several States, which, under appropriations from Congress, had been armed, equipped, and given training in the line of defense of the coasts and harbors. In the absence of authority for calling these men into service the governors of these States patriotically granted them leaves of absence or permitted them to resign from the Naval Militia in order to enlist in the Navy.

During the war about 4,000 officers and men were added to the Navy in this manner and were assigned to duty in the Auxiliary Naval Forces, the Coast Signal Service, and especially on cruising ships, of which the *Yankee*, *Dixie*, *Prairie*, and *Yosemite* were entirely officered and manned by them, with the exception of the commanding, executive, and navigating officers.

These organizations were largely recruited outside of the seagoing class and lacked the experience in gunnery, navigation, and habits of the sea necessary to immediate high efficiency in the Navy. On the other hand, they were men of a high standard of education and intelligence and rapidly acquired while on shipboard the necessary knowledge. The country has been amply repaid for the money expended in their instruction and training.

The Auxiliary Naval Force was authorized by resolution approved May 26, 1898, for coast defense. The personnel of the force was almost entirely contributed by the Naval Militia organizations of the several States. A small percentage was supplied by the merchant marine. Ten monitors were put in commission and officered and manned by the Naval Militia. Many of these vessels cruised from port to port and went to sea for target practice, which gave the officers and men valuable training. This service afforded a sense of protection to the people along our Atlantic coast line. Ten yachts and 5 tugs were purchased. At its maximum strength the Auxiliary Naval Force included 41 vessels in commission.

The duty of protecting mine fields and of maintaining quarantine regulations was performed by a fleet of 8 converted yachts, 10 converted tugs, and 1 side-wheel steamer, all officered and manned by men from the Naval Militia, and by 4 revenue cutters with their regular officers and crews, which were stationed on the Pacific coast.

The Atlantic coast line was divided into eight districts, in wh were distributed 36 signal stations officered and manned entirely the State naval militia. This signal service extended along our co from Maine to Texas.

Eight hundred and fifty-six volunteer officers served in the Navy the Spanish-American war. A large proportion of them were offic of the Naval Militia. Secretary of the Navy John D. Long states:

The zeal and attention to duty of these volunteer officers were of a high order.

The experience of the Spanish-American war demonstrated the ne sity of a national naval reserve force to be subject to the call of National Government in time of war. This war also demonstrated fitness and efficiency of the Naval Militia to perform every duty t has been demanded of it.

In 1899 the Naval Militia of sixteen States was drilled under supervision of Regular Navy officers on men-of-war, and the enlis men numbered 6,302.

In 1900 nine militia forces were drilled on naval vessels, and number of men dropped to 5,309. Five States had the use of ves lent by the Department under the provisions of the act appro August 3, 1894.

In 1901 six States' militia was drilled under the direction of na officers, and the number of enrolled men dropped to 4,679. The dr conducted by the militia officers were increased in number and impro in quality.

From 1901 to 1906 the routine of drills has continued; the numl of enrolled men has averaged 4,808.

Several States have expended appropriations directly for their na militia, and there is a tendency to distinguish between Naval Mili and National Guard plainly shown in State legislation.

It is reported by inspecting officers of the Navy that the Naval M tia is lacking in proper facilities to secure the best results in drill a instruction.

The Secretary of the Navy, by order dated October 21, 1905, l placed the Naval Militia under the Assistant Secretary. The all ments to the State militia of the funds appropriated by Congress directed by him and are proportional to the number of enlisted m The allotments are expended or disbursed by the Bureau of Suppl and Accounts, and arms, equipment, etc., are issued by the Bureau Ordnance.

There is annexed a table showing the naval vessels lent to the mili of the various States and the District of Columbia.

The *Paulding*, of the District Naval Militia, is the only vessel wit mounted in battery used by the militia.

The annexed tabulation of enlisted men of the militia shows number enrolled for every year from 1891 to 1906, both years includ On same sheet is given the annual appropriations by Congress arming and equipping the Naval Militia. The total is $705,000 date. The number of commissioned officers is about 10 per cent the enlisted force.

Extract from Lieutenant Southerland's report on the operations of the Naval Militia.

[November 15, 1898.]

A condensed résumé of the service performed by the Naval Militia during the war is as follows:

California.—The Naval Militia of this State at the outbreak of hostilities consisted of 37 officers and 527 men.

Of this number, 13 officers and 80 men were mustered into the naval service, all of whom served on auxiliary naval force vessels.

Connecticut.—The Naval Militia of this State furnished 15 officers and 188 men to the naval service.

Florida.—The Naval Militia of this State which, at the outbreak of hostilities, numbered 24 officers and about 200 men, supplied 6 officers and 93 men to the naval service. Of this number, 2 officers and 58 men served on auxilliary naval force vessels, and 4 officers and 35 men served in the coast signal service

Illinois.—The Naval Militia of this State furnished 19 officers and 709 men to the naval service. All volunteered for the war and saw active service in every field of naval operations on the Cuban and Porto Rican coasts. The majority of this number were assigned as follows:

Vessel.	Officers.	Men.	Vessel.	Officers.	Men.
Indiana		17	New Orleans		3
Massachusetts		1	Lancaster	4	46
Oregon		60	Cincinnati		60
Puritan		6	Detroit		2
Newark		17	San Francisco		8
Amphitrite		2	Montgomery		20
Terror		9	Wilmington		13
Nashville		12	Hector		21
Annapolis		8	Suwanee		4
Vicksburg		8	Mangrove		1
Newport		26	Lebanon		3
Bancroft		6	Osceola		1
Fern	1	8	Wompatuck		5
Marietta		16	Maple		9
Cushing		3	Niagara		4
Foote		2	Hawk		2
Rodgers		1	Saturn		1
Winslow		2	Solace		1
Leyden	1	4	Viking		2
Franklin	1	18	Wasp		3
Dorothea		3	Peoria		1
Sterling	2		Resolute		2
Texas	1		Vulcan		1
Scorpion	1		Accomac		1
Yale		84	Tecumseh		1
Harvard		57	Siren	1	
Southery	1	9	Stranger	1	
Cassius	1	27	Kanawha	1	
Yankton	1	39	Alexander	1	

Louisiana.—The Naval Militia of this State furnished a total of 19 officers and 214 enlisted men to the Navy. In addition to this number about 200 men were recruited by the State authorities after the outbreak of hostilities, but were not taken into the regular service, enlistment in which had been stopped. Of the above number supplied to the service, 10 officers and 94 enlisted men were detailed to the U. S. S. *Passaic*, 7 officers and 97 men to the United States auxiliary naval force and at the Pensacola Navy-Yard, and 2 officers and 23 men to the coast signal service. Of this detail to the Pensacola Navy-Yard, 35 were sent to the receiving ship *Lancaster* at Key West and afterwards distributed to the ships of the North Atlantic Fleet.

In addition to the above naval militiamen, 6 of the Louisiana battalion served in the revenue-marine service; 20 served on army transports, and 25 served in the various volunteer regiments recruited in the State of Louisiana; 3 enlisted in the Fifth United States Cavalry; 2 in the Eighteenth United States Infantry, and 2 in the volunteer artillery. These latter were men who failed to get into the naval service, but were anxious to serve their country in any capacity.

Maryland.—The Naval Militia of this State at the outbreak of the war consisted of 20 officers and 320 men, and its commanding officer was authorized by the governor to increase this number as occasion demanded. The total mustered into the United

States naval service was 24 officers and 425 petty officers and enlisted men, who w
assigned as follows:

Ship.	Officers.	Me
U. S. S. Dixie	10	
U. S. S. Apache	4	
U. S. S. Ajax	2	
U. S. S. Lancaster		
U. S. S. Katahdin	3	
U. S. S. Dale	4	
U. S. S. Restless		
U. S. S. Elfrida		
U. S. S. Minneapolis		
Equipment Bureau	1	
U. S. S. Dolphin		
Total	24	

Massachusetts.—The Naval Militia of this State supplied 38 officers and 384 men the naval service. Of this number, 7 officers and 138 men served on the U. S. *Prairie;* 20 officers and 246 men served on the auxiliary naval force vessels *Minneso Lehigh, Catskill, Governor Russell, East Boston, Wyandotte, Inca,* and *Seminole,* and officers and 36 men served in the coast signal service.

After the outbreak of hostilities this organization was increased, in accordan with an act of the legislature of Massachusetts, by four divisions, each containin officers and 55 men.

Michigan.—The Naval Militia of this State, which, at the beginning of the w consisted of 18 officers and 175 men, furnished 11 officers and 270 men to the na service, all of whom served on the U. S. S. *Yosemite,* many of this number havi joined the organization after the commencement of hostilities.

New Jersey.—The Naval Militia of this State furnished 34 officers and 373 men the naval service. Of this number, 20 officers and 261 petty officers and men serv on the U. S. S. *Badger* and U. S. S. *Resolute;* 9 officers and 74 petty officers and m in the auxiliary naval force on the U. S. S. *Montauk,* and 1 officer and 19 petty o cers and men in the coast signal service.

New York.—The Naval Militia of the State of New York furnished 49 officers a 805 petty officers and men to the United States naval service. The following sta ment will show, in detail, the disposal of this force:

Statement showing disposal of officers and men of the Naval Militia of New York entered the United States Navy.

Organization.	Officers.	Me
Staff of captain	3	
First Naval Battalion	10	
First Separate Naval Division	1	
Second Separate Naval Division		
Second Naval Battalion		
Total	14	
Coast signal service	4	
U. S. S. Yankee	8	
U. S. S. Stranger	1	
U. S. S. Vermont	1	
U. S. S. St. Louis		
Total	14	

Statement showing the manner in which the officers and men of the Naval Militia of New York who entered the United States Auxiliary Naval Force have been utilized.

Organization.	Officers.	Men.	Ordered to—	Officers.	Men.
Captain and staff	3	.....	Nahant	8	97
First Naval Battalion	10	93	Jason	8	86
Second Naval Battalion	20	350	Enquirer	2	32
First Separate Naval Division	.....	13	Huntress	.....	24
Second Separate Naval Division	2	55	Free Lance	2	17
			Restless	.....	25
			Sylvia	2	26
			Elfrida	1	20
			Aileen	1	28
			Franklin	.....	46
			Kanawha	1	25
			Coast signal service	.....	2
			Third District Auxiliary Naval Force	2	.....
			Washington Auxiliary Naval Force	1	.....
			Yankee from New Hampshire	.....	17
			New Hampshire	7	66
Total	35	511	Total	35	511

North Carolina.—The Naval Militia of this State furnished 9 officers and 189 men to the naval service.

Pennsylvania.—The Naval Militia of this State at the outbreak of the war consisted of 19 officers and 252 petty officers and men.

Fifteen commissioned officers and 84 petty officers and men were mustered into the naval service. Two men from the ranks passed as officers and are included in the 15, but are not included in the 19.

The reason why such a small number of men entered the service was that the Government stopped enlisting after two of the three divisions only had been examined, thus reducing the total examined by 4 commissioned officers and 84 petty officers and men. Two of the Philadelphia officers were unable to answer the call.

Out of the two Philadelphia divisions examined, 49 were rejected physically, 21 were rejected because of under age, and the difference of 14 men did not report for examination.

Those mustered into the service were as follows:

One officer to command Auxiliary Naval Force, fourth district.

One officer to command U. S. R. S. *St. Louis.*

One officer to command the U. S. S. *Aileen.*

One officer to command the U. S. S. *Minneapolis.*

Two officers to command the U. S. S. *Viking.*

Six officers and 58 men to the U. S. S. *Arctic.*

Two officers to the U. S. S. *Huntress.*

One officer to the U. S. S. *Sylph.*

Twenty-one men to the coast signal service.

Rhode Island.—The Naval Militia organization of this State consisted of 15 officers and 159 men at the outbreak of hostilities, of which number 8 officers and 147 men were mustered into the naval service, not including the commanding officer, who, being on the retired list of the Navy, was ordered to duty.

South Carolina.—At the outbreak of the war the Naval Militia of this State consisted of 21 officers and 302 men, which force was increased by 102 volunteers within ten days after hostilities commenced. Of this number, 18 officers, 6 mates, and 187 enlisted men were mustered into the naval service and were distributed as follows:

Detailed for—	Commissioned officers.	Mates.	Enlisted men.
U. S. S. Celtic	6	.....	80
Naval batteries, Port Royal	5	.....	40
Coast signal service, fourth district	3	.....	20
U. S. S. Cheyenne	1	.....	15
U. S. S. Chickasaw	1	.....	15
U. S. S. Waban	1	.....	15
Assistant, naval station, Port Royal	1	.....	.....
U. S. S. Massasoit	.....	1	.....
U. S. S. Hercules	.....	1	.....
Navy-yard, New York	.....	4	.....
U. S. S. Morrill	.....	.....	2
Total (in United States Navy, 211)	18	6	187

In addition to the above this organization furnished 16 men to the United Stat Volunteer Army. The remaining 198 men were not called out, but remained ready t serve at any time.

Virginia.—The Naval Militia of this State furnished 2 officers and 62 men to th Navy, of which number 48 men were enlisted in the regular service and 2 office and 11 men did duty in the coast signal service.

Although these organizations, many of whose members were recruited outside th seafaring class, failed to fully meet the requirements of the case, they were all up which the General Government had to draw at the beginning of the war. A majo ity of these, through cooperation on the part of the governors of their States, answere the call of the Government and were mustered into the service for duty on cruisin ships, in the United States Auxiliary Naval Force and in the coast signal servic The Navy Department was hampered in its efforts at rapid mobilization by its lac of Federal jurisdiction over these organizations, but in the end succeeded in obtai ing a force of over 4,000 officers and men.

Too much can not be said of the patriotism displayed by a majority of the mem bers of these organizations, many of whom, although they had never been to s before the mast, knew that they were to face not only the dangers of war, but har ships to which they had never been accustomed.

Of a total force of 24,123 enlisted men employed in the Navy during this war, 4,21 were mustered in from naval militia organizations, of which number about 2,6 served in the Regular Navy, the remainder in the Auxiliary Naval Force and Co Signal Service. As a rule, they had not been sufficiently trained in a practical know edge of the modern implements of war, of the ship's organization, and the requir ments of a sea life to make them of much actual value for some time after joining vessel; but, possessing a high average of education and intelligence, they picked u their duties quickly, especially in those cases where they were surrounded by traine men-of-war's men, and when the war ended were becoming quite efficient in the various grades and rates.

List of vessels loaned by the Navy Department for the use of the Naval Militia named i the United States Navy Register for January, 1906.

State.	Vessel.	Classified as—	Serving since—	Rate.	Displacement or gross tonnage.	Tons.	Gun-
California	Pinta	Gunboat	1900	4th	Gross tonnage	355	
					Displacement	550	
Do	Marion	Unserviceable	1900	4th	do	1,900	
Connecticut	Elfrida[a]	Converted yacht.	1899	4th	Gross tonnage	123	
					Displacement	173	
District of Columbia.	Puritan	Monitor	1901	2d	Gross tonnage	2,144	
					Displacement	6,0[illegible]	
Do	Oneida	Converted yacht.	1901	4th	Gross tonnage	11[illegible]	
					Displacement	1[illegible]	
Illinois	Dorothea	do	1901	4th	Gross tonnage	43[illegible]	
					Displacement	594	
Louisiana	Stranger	do	1899	4th	Gross tonnage	247	
					Displacement	546	
Maryland	Sylvia	do	1899	4th	Gross tonnage	1[illegible]	
					Displacement	3[illegible]	
Do	Oneida[b]	Unserviceable	1895	4th	Housed over		
Massachusetts	[illegible]	Converted yacht.	1899	4th	Gross tonnage	94	
					Displacement	1[illegible]	
Michigan	[illegible]	Unserviceable	1900	4th	do	9[illegible]	
Minnesota	[illegible]	do	1904	4th	do	8[illegible]	
New Jersey	Hartress	Converted yacht.	1899	4th	Gross tonnage	8[illegible]	
					Displacement	8[illegible]	
Do	Portsmouth	Sailing ship	1900	3d	Gross tonnage	8[illegible]	
					Displacement	1,1[illegible]	
New York	Alleen	Converted yacht.	1899	4th	Gross tonnage	15[illegible]	
					Displacement	192	
Do	Gloucester[c]	Unserviceable	1893	1st	Housed over		
Ohio	Essex	Wooden cruiser	1901	3d	Displacement	1,375	
Do	Hawk	Converted yacht.	1901	4th	Gross tonnage	279	
					Displacement	375	
Pennsylvania	Saltwater	do	1899	4th	Gross tonnage	109	
					Displacement	122	
Do	Keystone State[e]	Unserviceable	1894	3d	Housed over		

[a] Serving with New Jersey Naval Militia, 1900-1902.
[b] Formerly the Dale. Name changed November 30, 1904.
[c] Formerly the Fern. Turned over to the Minnesota Naval Militia July 19, 1905.
[d] Formerly the New Hampshire. Name changed November 30, 1904.
[e] Formerly the St. Louis. Name changed November 30, 1904.

Enrolled naval militia of the United States.

State.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.
California	371	376	301	320	313	417	355	386
Connecticut	.....	.....	.....	65	71	92	135	165
Florida	.....	.....	.....	.....	.....	.....	.....	186
Georgia	.....	.....	.....	.....	52	98	188	225
Illinois	.....	.....	211	367	199	395	448	523
Louisiana	.....	.....	.....	.....	.....	217	209	262
Maryland	.....	124	130	128	174	197	233	240
Massachusetts	238	331	589	48	409	439	434	441
Michigan	.....	.....	.....	73	187	181	177	193
New Jersey	.....	.....	.....	.....	216	312	337	364
New York	342	401	410	432	387	383	367	472
North Carolina	101	296	262	168	255	162	140	280
Ohio	.....	.....	.....	.....	.....	.....	174	216
Pennsylvania	.....	.....	150	217	167	132	183	216
Rhode Island	54	58	119	113	100	149	158	130
South Carolina	.....	208	204	208	165	165	165	152
Texas	43	.....	.....	.....	.....	.....	.....	.....
Virginia	.....	.....	.....	.....	.....	.....	.....	44
Total	1,149	1,794	2,376	2,539	2,695	3,339	3,703	4,445
Congressional appropriation	.....	$25,000	$25,000	$25,000	$25,000	$25,000	$50,000	$50,000

State.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.
California	488	401	380	400	455	447	421	345
Connecticut	187	164	185	172	212	212	221	188
District of Columbia	193	164	162	143	124	147	215	.....
Florida	.....	167	48	.....	.....	.....	.....	.....
Georgia	176	159	111	78	88	127	130	87
Illinois	775	466	575	490	597	622	691	629
Louisiana	338	293	327	345	389	535	517	495
Maine	.....	46	46	42	46	68	68	55
Maryland	200	232	221	249	212	287	299	211
Massachusetts	614	606	497	449	448	507	484	478
Michigan	193	285	183	213	216	279	234	177
Minnesota	.....	.....	.....	.....	.....	96	126	116
New Jersey	351	282	322	338	332	327	304	265
New York	932	670	585	554	577	648	628	583
North Carolina	262	291	219	187	220	231	264	110
Ohio	330	190	234	216	257	213	154	143
Oregon	133	133	115	94	.....	.....	.....	.....
Pennsylvania	201	161	64	85	96	107	94	92
Rhode Island	196	189	181	168	192	191	202	172
South Carolina	260	212	224	224	279	262	205	139
Virginia	208	198	.....	.....	.....	.....	.....	.....
Total	6,302	5,309	4,679	4,447	4,740	5,316	5,256	4,280
Congressional appropriation	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000

Grand total, $705,000, with $60,000 additional for 1907; in all, $765,000.

Ships loaned to the various States and in commission with naval militia officers and crews, 1907.

Ship.	State.
Aileen	New York.
Alert	California.
Alvarado	Louisiana.
Don Juan de Austria	Michigan.
Dorothea	Illinois.
Elfrida	Connecticut.
Essex	Ohio.
Gloucester[a]	Massachusetts.
Gopher	Minnesota.
Granite State	New York.
Hawk	Ohio.
Huntress	Missouri.
Inca	Massachusetts.

[a] Assigned, but not yet turned over.

Ships loaned to the various States and in commission with naval militia officers and crews, 1907—Continued.

Ship.	State.
Isla de Cuba	Maryland.
Isla de Luzon [a]	Louisiana.
Machias [a]	Connecticut.
Nashville	Illinois.
Newark [b]	New York.
Oneida	District of Columbia.
Portsmouth	New Jersey.
Puritan	District of Columbia.
Sandoval	New York.
Stranger	Louisiana.
Sylvia [a]	Pennsylvania.
Vixen [a]	New Jersey.
Wasp [a]	New York.

[a] Assigned, but not yet turned over. [b] Returned to Navy Department.

Strength of the Naval Militia of the various States, 1907.

State.	Commissioned and warrant officers.	Petty officers and enlisted men.	Total.
California	46	421	467
Connecticut	22	206	228
District of Columbia	16	217	233
Georgia	11	138	149
Illinois	45	521	566
Louisiana	47	518	565
Maine	5	64	69
Maryland	16	202	218
Massachusetts	33	528	561
Michigan	24	256	280
Minnesota	12	130	142
Missouri	8	106	114
New Jersey	30	305	335
New York	57	667	724
North Carolina	33	348	381
Ohio	18	195	213
Pennsylvania	8	91	99
Rhode Island	18	195	213
South Carolina	21	179	200
Total	470	5,287	5,757

NAVY DEPARTMENT, *Washington.*

During the past summer (1907) the U. S. S. *Prairie* was employed from the end of June until the 1st of October in taking out various naval militia organizations on cruises averaging eight days. The organizations cruising on board the *Prairie* were the naval militias of Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, South Carolina, and Georgia.

In addition to the above training, the naval militias of the Lake States participated in fleet maneuvers off Bois Blanc Island, Lake Superior. The vessels taking part were the *Gopher*, *Dorothea*, *Essex*, and *Hawk*, commanded by the U. S. S. *Wolverine*.

Also, cruises were made by organizations to which vessels are regularly assigned, as follows:

First battalion New Jersey on board *Portsmouth*.

Maryland Naval Militia on board *Isla de Cuba*.

Louisiana Naval Militia on board *Stranger* and *Alvarado*.

California Naval Militia on board *Alert*.

The Michigan Naval Militia took the *Don Juan de Austria* from the navy-yard, Portsmouth, N. H., through the St. Lawrence to Detroit.

The Missouri Naval Militia took the *Huntress* from the Pensacola Navy-Yard up the Mississippi River to St. Louis.

Appropriations, arming and equipping Naval Militia.

State.	Balance to credit of each State Oct. 31, 1905.	1896 (act Mar. 2, 1895).	1897 (act June 10, 1896).	1898 (act Mar. 3, 1897).	
				Men.	Allotment.
Books	$500.00	$1,000.00	$2,000.00	.....	$2,000.00
California	3,732.76	2,997.30	4,601.67	386	4,168.28
Connecticut	1,293.54	661.28	1,749.93	165	1,781.78
Florida	.....	.....	.....	186	2,008.55
Georgia	304.98	704.40	2,436.94	225	2,429.70
Illinois	3,762.22	2,839.17	5,807.18	523	5,647.69
Louisiana	.....	1,559.75	2,709.16	262	2,829.25
Maryland	1,688.16	1,415.99	3,020.25	240	2,591.68
Massachusetts	3,281.73	3,155.44	5,625.71	441	4,762.20
Michigan	1,723.18	1,300.99	2,294.36	193	2,084.14
New Jersey	1,963.64	2,242.59	4,368.35	364	3,930.71
New York	5,095.39	2,752.92	4,757.22	472	5,096.96
North Carolina	3,191.90	1,164.42	1,814.75	230	2,483.69
Ohio	.....	.....	2,255.47	216	2,332.51
Pennsylvania	3,628.77	948.79	2,372.18	216	2,332.51
Rhode Island	1,992.40	1,070.98	2,048.07	130	1,403.82
South Carolina	2,410.09	1,185.98	2.138.81	152	1,641.39
Texas	[a] 16.91	.....	.....	.....	.....
Virginia	.....	.....	.....	44	475.14
Total	34,585.67	25,000.00	50,000.00	4,445	50,000.00

State.	1899 (act May 4, 1898).		1900 (act Mar. 3, 1899).		1901 (act June 7, 1900).		1902 (act Mar. 3, 1901).	
	Men.	Allotment.	Men.	Allotment.	Men.	Allotment.	Men.	Allotment.
Books	.....	$4,000.00	.....	$3,000.00	.....	$3,000.00	.....	$3,000.00
California	488	4,336.40	401	4,305.33	380	4,846.90	400	5,669.77
Connecticut	187	1,661.70	164	1,760.78	185	2,359.68	172	2,438.00
District of Columbia	193	1,715.01	164	1,760.78	162	2,066.31	143	2,026.94
Florida	265	2,354.81	167	1,792.99	48	612.24	.....	.....
Georgia	176	1,563.95	159	1,707.10	111	1,415.81	78	1,105.60
Illinois	775	6,886.70	466	5,003.20	575	7,334.12	490	6,945.47
Louisiana	338	3,003.49	293	3,145.79	327	4,170.88	345	4,890.17
Maine	.....	.....	46	493.88	46	586.73	42	595.33
Maryland	200	1,777.22	232	2,490.87	221	2,818.85	249	3,529.43
Massachusetts	614	5,456.04	606	6,506.31	497	6,339.23	449	6,364.31
Michigan	193	1,715.01	285	3,059.60	183	3,334.17	213	3,019.15
New Jersey	351	3,119.01	282	3,027.69	322	4,107.11	338	4,790.96
New York	932	8,281.81	670	7,193.45	585	7,461.67	554	7,852.63
North Carolina	262	2,328.15	291	3,124.32	219	2,793.34	187	2,650.62
Ohio	330	2,932.40	190	2,039.93	234	2,984.67	216	3,061.68
Oregon	133	1,181.85	133	1,427.95	115	1,466.83	94	[b] 1,332.40
Pennsylvania	201	1,786.10	161	1,728.57	64	816.32	85	1,204.83
Rhode Island	196	1,741.67	189	2,029.20	181	2,308.66	168	2,381.30
South Carolina	260	2,310.38	212	2,276.14	224	2,857.12	224	3,175.07
Virginia	208	1,848.30	198	2,125.82	.....	.....	.....	.....
Total	6,302	60,000.00	5,309	60,000.00	4,679	[c] 62,680.64	4,447	[d] 66,033.66

[a] This balance carried to credit of subhead "Books."
[b] The balance of the State of Oregon (disbanded) allotted to the other States.
[c] Includes balance State of Virginia, $2,680.64 (disbanded).
[d] Includes balance State of Florida, $6,033.66 (disbanded).

Appropriations, arming and equipping Naval Militia—Continued.

State.	1903 (act July 1, 1902).		1904 (act Mar. 3, 1903).		1905 (act Apr. 27, 1904).		1906 (act Mar. 3, 1905).	
	Men.	Allotment.	Men.	Allotment.	Men.	Allotment.	Men.	Allotment.
California	455	$5,759.49	447	$5,054.66	421	$4,814.18	345	$4,623.6
Connecticut	212	2,683.54	212	2,397.29	221	2,527.16	188	2,519.5
District of Columbia	124	1,569.62	147	1,662.27	215	2,458.55	197	2,640.1
Georgia	88	1,113.93	127	1,436.11	130	1,486.56	87	1,165.9
Illinois	597	7,556.96	622	7,083.55	691	7,901.66	629	8,429.7
Louisiana	389	4,924.05	585	6,049.76	517	5,911.95	495	6,633.9
Maine	46	582.28	68	768.94	68	777.59	55	737.1
Maryland	212	2,683.55	287	3,245.38	299	3,419.10	211	2,827.7
Massachusetts	448	5,670.88	507	5,733.13	484	5,534.59	473	6,339.0
Michigan	216	2,734.18	279	3,154.92	234	2,675.81	177	2,372.1
Minnesota	.....	.....	96	1,085.56	126	1,440.82	116	1,554.6
New Jersey	382	4,202.53	327	3,697.70	304	3,476.27	265	3,551.4
New York	577	7,303.80	648	7,327.55	628	7,181.25	583	7,813.2
North Carolina	220	2,784.81	231	2,612.14	264	3,018.87	110	1,474.2
Ohio	257	3,253.16	213	2,408.59	154	1,761.01	143	1,916.4
Pennsylvania	96	1,215.19	107	1,209.95	94	1,074.90	92	1,232.9
Rhode Island	192	2,430.38	191	2,159.82	202	2,309.89	172	2,305.1
South Carolina	279	3,531.65	262	2,962.68	195	2,229.84	139	1,862.8
Total	4,740	60,000.00	5,306	60,000.00	5,247	60,000.00	4,477	60,000.0

BUREAU SUPPLIES AND ACCOUNTS, *March 16, 1906.*

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1233.

PROVIDING FOR ADDITIONAL LANDS FOR IDAHO UNDER THE PROVISIONS OF THE CAREY ACT.

MARCH 14, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FRENCH, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. R. 51.]

The Committee on Public Lands, to which was referred Senate joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, have carefully considered the same and report the same back with sundry amendments and recommend that as amended the resolution pass.

Amend line 3 by striking out the word "one" and inserting the word "two," and by inserting the words "each of" after the word "within."

Amend line 4 by striking out the words "State of Idaho" and inserting in lieu thereof "States of Idaho and Wyoming."

Amend lines 4 and 5 by striking out the words "to be subject to the terms of said acts" and in lieu thereof inserting "and subject to the terms of section 4 of an act of Congress entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' approved August 18, 1894, and by amendments thereto."

Amend line 5 by striking out the words "State of Idaho" and inserting the words "States of Idaho and Wyoming."

Amend the title of the resolution by inserting the words "and Wyoming" after the word "Idaho" in said title.

As amended the resolution should read as follows:

JOINT RESOLUTION Providing for additional lands for Idaho and Wyoming under the provisions of the Carey Act.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That an additional two million acres of arid lands within each of the States of Idaho and Wyoming be made available and subject to the terms of Section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal

year ending June 30, 1895, and for other purposes," approved August 18, 18 and by amendments thereto, and that the States of Idaho and Wyoming allowed under the provisions of said acts said additional area or so mu thereof as may be necessary for the purposes and under the provisions of s acts.

The report of the Senate Committee on Public Lands reads follows:

The Committee on Public Lands, to whom was referred Senate joint reso tion (S. R. 51) providing for additional lands for Idaho under the provisio of the Carey Act, have carefully considered the same and recommends passage.

It appears that within the State of Idaho the application of what is know as the Carey Act has received the most practical test. The first lands set asi under this act within the State of Idaho was a tract of 220,000 acres, know as the Twin Falls tract, of which practically all has been disposed of and now under cultivation and settlement. The price of water on this tract w fixed by the State land board at $25 per acre.

What is known as the Alberta tract, consisting of 110,000 acres, has all be disposed of except less than 25,000 acres. The price of water on this tract w $35 per acre. In addition to these tracts there have been set aside under t Carey Act in Idaho 12 other tracts, all in the process of development and s tlement. There have been disposed of more than 525,000 acres. The price the water right has ranged between $15 and $40 per acre.

On January 15, 1908, there had been segregated by the Government f Idaho under this act 685,555.28 acres. Petitions were then pending by the Sta in the Department for further segregations, which had been approved by t State, of 231,197.48 acres, making an aggregate of 916,752 acres which had be applied for by the State and approved by the Government, leaving only a ba ance of 83,248 of the 1,000,000 acres allowed to the State under the Carey A On January 15, 1908, there were under consideration and pending applicatio for an aggregate of 605,000 additional acres to be taken under this act.

The size of the applications for the additional segregation were in excess over 500,000 acres of the remnant remaining of the 1,000,000 acres allow under the original Carey Act already applied for and approved. It thus a peared to your committee that it was proper that there should be made avai able to the State of Idaho for development under the Cary Act at least an add tional 1,000,000 acres of land. Idaho has yet great bodies of unoccupied ar irrigable lands through which her vast water supplies flow. Her enormo bodies of water available for purposes of irrigation make it apparent to yo committee that Idaho's water resources are perhaps greater than those of ar other State in the Union, and the streams and lakes are so situated in point elevation as to make it possible to flow water by canals or pipes upon almo every acre of arid land or semiarid land in the State, and it is only a question expenditure of money and energy necessary to bring the supply of water up the land in order to convert this arid or semiarid land into the most fertile ar productive homes upon lands that will produce every variety of crop incide to any part of our country and that is also adapted to the raising of a gre variety of fruits and berries.

As an instance of the beneficent results to be derived from the Carey A upon lands such as those in Idaho, we have but to point to the result upon t Twin Falls tract. Four years ago the entire tract was unsettled and unclaime it having lain close to the line of travel up to that time unnoticed and uns tled because of the fact that there was no visible supply of water upon it. T energy and capital of Idaho men, associated with others of the East, conceiv the idea of utilizing the waters of the Snake River through the means of lo canals so situated as to cover these lands. To conceive the plan was a part its execution at the hands of these men, who proceeded at once to construct canal more than 70 miles long, 120 feet in width at the top, and 80 feet in wid at the bottom, carrying a depth of water that would float an ordinary stea boat, from which main canal lateral canals have been constructed, until th tract of land that four years ago was desert is now covered with the mo prosperous and beautiful homes and farms and orchards just approaching condition of production. Three crops have been raised upon most of the lan which has been fenced and cleared, and comfortable and elegant homes ha

been erected. There is now an assessed valuation upon this tract of "Carey" land of upward of $3,000,000 for the year 1907, and with a population of about 10,000 people.

The proposition to make more land available for this tried purpose must commend itself as wise and in the interest of converting what has heretofore been recognized as only desert land into fertile and productive farms.

List of segregations in Idaho under Carey Act.

Name of company and address.	Total acreage.	Price per water right.
Twin Falls Land and Water Co., Twin Falls	220,000	$25.00
American Falls Land and Power Co., Pocatello	57,000	25.00
Canyon Canal Co., Boise	6,000	30.00
Mullens Canal Co., Payette	6,000	15.00
Idaho Irrigation Co. (Limited), Alberta	110,000	35.00
Marysville Land and Improvement Co., Marysville	3,000	25.00
Big Lost River Land and Irrigation Co., Powell	85,000	30.00
Twin Falls North-side Land and Water Co., Shoshone	180,000	35.00
Glenns Ferry Land and Irrigation Co., Glenns Ferry	22,000	35.00
Pratt Irrigation Co., Stone	4,500	28.00
Twin Falls Salmon River Irrigation Co., Twin Falls	140,000	40.00
Cedar Creek Reservoir Co., Boise	50,000	35.00
Owyhee Irrigation Co., Pocatello	3,000	30.00
Total	886,500	

Lands under the last five companies listed above are not yet subject to entry. Their segregations have been applied for and some of them already made, and it is confidently expected that their lands will be open to settlement during the coming year.

In addition to what has been said in the Senate report your committee finds that since the report was made, applications for further segregations were made to the State of Idaho for land under the Carey Act, and that the applications now amount to about 800,000 acres, almost all of which is in excess of the million acres of land already utilized by the State of Idaho under the Carey Act. In the State of Wyoming it appears that more than 1,000,000 acres of land is available for reclamation under the Carey Act, and in view of the fact that the work of reclamation of lands in Wyoming is progressing rapidly, we have recommended that the bill be amended so as to extend to that State.

Your committee submit herewith a letter written by the Honorable Secretary of the Interior setting forth information bearing upon this resolution:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1908.

SIRS: I am in receipt of S. R. 51 entitled "Joint resolution authorizing the State of Idaho to purchase additional lands under the Carey Act" for a statement of such facts and information as may be in the possession of this Department relating to this subject.

In compliance therewith I have the honor to report the following:

The acts of March 3, 1877, and March 3, 1891, mentioned in the resolution are not known as the Carey Act, but are acts providing for the sale of desert lands to a citizen of the United States or a person of requisite age who may be entitled to become a citizen and who has filed his declaration to become such, at the rate of $1.25 per acre for one section of land under the former act and 320 acres under the amendatory act of March 3, 1891. The act commonly known as the Carey Act is the act of August 18, 1894 (28 Stat., 372–422), as amended by the acts of June 11, 1896 (29 Stat., 413–434), and March 3, 1901 (31 Stat., 1133–1188), and authorizes the Secretary of the Interior, with the approval of the President, to contract and agree with certain States, binding the United States to donate, grant, and patent to the State, free of cost for survey or price, desert lands not exceeding one million acres in each State, under certain conditions.

Under these acts the State of Idaho has, up to the present time, obta the approval of applications for the segregation of desert lands to the ex of 643,743.30 acres and has pending in this Department applications embra 155,316.60 acres, which have not yet been approved, making a total of 799,05 acres, of which 41,650.53 acres have been irrigated and reclaimed and pa issued therefor.

Applications have been filed for patent for 120,878.85 acres based upon re mation, and are now in process of adjudication.

The resolution is herewith inclosed.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretar

The SENATE COMMITTEE ON PUBLIC LANDS.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1236.

FORTIFICATION APPROPRIATION BILL.

MARCH 16, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of Iowa, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 19355.]

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based will be found in the Book of Estimates for the fiscal year 1909, pages 322–331, inclusive, and aggregate $38,443,945.36, of which sum there is recommended in the accompanying bill appropriations amounting to $8,210,611, which sum is $1,312,600 more than was appropriated for the same purposes at the last session of Congress, and $30,233,334.36 less than the estimates submitted.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the twelve fiscal years 1875 to 1886, inclusive, the appropriation by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the fourteen years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and by the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses, in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3,

1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, June 6, 1902, March 3, 1903, April 21, 1904, March 3, 1905, Ju 1906, and March 2, 1907.

The appropriations by said acts for the twenty fiscal years 1889 aggregate $109,513,748.72, or an average of $5,475,687.43 per an

Of the whole sum, $109,513,748.72, appropriated by the fortifi acts covering the twenty fiscal years 1889–1908, the sum of $87,024.3 was appropriated in the twelve fortification acts enacted by the la Congresses.

The fortification appropriation acts enacted during the Fifty Congress appropriated $14,287,396, in addition to which amount aggregating $8,674,898 were provided in deficiency appropriatio for fortifications and the armament thereof, and the further s $12,865,840.60 was allotted for the same objects from the ge appropriation of $50,000,000 made for the national defense in t of March 9, 1898, making in all $35,828,134.60 available for for tions and the armament thereof under appropriations made durin Fifty-fifth Congress.

The total appropriations made for fortifications and other wo defense since 1888, and since the recommendations of the En board of 1885, including the appropriations made in deficienc and allotments made from the national-defense fund, amou $131,054,487.32.

The scheme of seacoast fortifications contemplated by the En Board, and which has been followed by Congress in the appropri made since 1888, it is now estimated will cost in the aggregate $99,39 (see "Taft Board" report), of which sum there has been already vided $64,800,042.24, the Engineer Department having rec $28,693,434.02 and the Ordnance Department $36,106,608.22.

The difference between the sum, $64,800,042.24, already pro toward the scheme of the Endicott Board and the sum total of a priations, $131,054,487.32, for fortifications since 1888 is repres in expenditures for erecting and equipping the gun factory at W vliet, the gun carriage factory at Watertown, the Ordnance and I fication Board, purchase of land for fortification sites, torpedoe harbor defense, providing ammunition for service and for tests, m facture of field guns, fortifications in the insular possessions, an sundry other objects incident to providing and maintaining a sy of seacoast defenses.

The specific appropriations made to date for fortifications i insular possessions amount to $4,891,860. The amounts recomm in the accompanying bill for the same purposes aggregate $3,16

COMPARATIVE STATEMENT.

The following shows, by items, the appropriations made in th fortification act, the amounts submitted at this session in the a estimates, and the amounts recommended in the accompanying b

Recapitulation of fortification appropriation act for 1908, and amounts recommended for 1909.

Object.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Fortifications and other works of defense:			
Construction of gun and mortar batteries		$4,247,400.00	$300,000.00
Modernizing older emplacements	$100,000.00	242,500.00	
Construction fire-control stations, etc., and for purchase, manufacture, and test of range and position finders	900,000.00	1,685,750.00	270,256.00
Electrical installations at seacoast fortifications		1,000,000.00	100,000.00
Sites for fortifications and seacoast defenses		3,478,500.00	100,000.00
Searchlights for important harbors	210,000.00	1,000,000.00	210,000.00
Preservation and repair of fortifications	200,000.00	300,000.00	225,000.00
Fort Moultrie, Sullivans Island, S. C., protection of	100,000.00	125,600.00	125,600.00
Forts Pickens and McRee, Pensacola Harbor, Fla., protection of	400,000.00		
Pensacola, Fla., building sea walls, etc		507,100.00	
Pensacola, Fla., repair and restoration of batteries, etc., of	50,000.00	59,355.00	59,355.00
Mobile, Ala., repair and restoration of batteries, etc., of	500,000.00	589,500.00	589,500.00
Fort St. Philip, New Orleans, La., rebuilding and strengthening levees	100,000.00	40,000.00	
Plans for fortifications	5,000.00	5,000.00	5,000.00
Tools, etc., for maintaining and operating electric plants	40,000.00	40,000.00	44,500.00
Sea walls and embankments	25,000.00	180,000.00	35,000.00
Sea walls at Forts San Jacinto and Travis, Galveston, Tex		1,275,000.00	
Preservation and repair of torpedo structures	10,000.00	50,000.00	15,000.00
Mining casemates, etc	175,000.00	464,964.00	175,000.00
Experimental automobile torpedoes		100,000.00	
Operation and maintenance of fire-control installation		145,518.36	50,000.00
Military aeronautics		200,000.00	
Total, fortifications and other works of defense	2,815,000.00	15,736,187.36	2,304,211.00
Armament of fortifications:			
Machine and automatic guns and equipment	30,000.00	110,000.00	40,000.00
Mountain, field, and siege cannon, equipment, etc	300,000.00	800,000.00	300,000.00
Ammunition, etc., for machine guns and cannon	160,000.00	250,000.00	160,000.00
Seacoast guns, mounts, and equipments	132,000.00	2,680,000.00	273,000.00

Recapitulation of fortification appropriation act for 1908, and amounts recommended for 1909—Continued.

Object.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Armament of fortifications—Continued.			
Ammunition, etc., for seacoast cannon	$325,000.00	$1,000,000.00	$325,000.00
Inspecting instruments, range finders, etc	5,000.00		
Ammunition, subcaliber tubes, etc., for seacoast artillery practice	350,000.00	455,000.00	450,000.00
Alteration and maintenance of mobile artillery	30,000.00	75,000.00	30,000.00
Ammunition, subcaliber tubes, etc., for mountain, field, and siege artillery practice	77,000.00	120,000.00	90,000.00
Alteration and maintenance of seacoast artillery	400,000.00	550,000.00	400,000.00
Alteration of material, including sights, etc	20,000.00	100,000.00	60,000.00
Replacing and overhauling ammunition and for replacing or repairing instruments for fire control, tools, etc	30,878.00		
Converting muzzle-loading field guns to breech-loading guns, and for mounts for the same	5,250.00		
Total armament of fortifications	1,865,128.00	6,140,000.00	2,128,000.00
Proving ground, Sandy Hook, N. J	74,943.00	74,900.00	74,900.00
Submarine mines	250,000.00	823,100.00	310,000.00
Torpedo planters for Pacific coast, Hawaiian and Philippine Islands, and launches	175,000.00	727,000.00	175,000.00
Fortifications in insular possessions:			
Seacoast batteries, Cuba		1,020,000.00	
Seacoast batteries, Hawaiian Islands	200,000.00	1,110,000.00	400,000.00
Seacoast batteries, Philippine Islands	500,000.00	6,488,000.00	954,000.00
Electric plants, installation of, in Cuba, Hawaii, and Philippine Islands		502,992.00	135,000.00
Construction of fire-control stations and accessories, purchase of land, etc	100,000.00	1,305,739.00	243,000.00
Purchase and installation of searchlights for important harbors	30,000.00	502,000.00	227,500.00
Construction of mining casemates, cable galleries, etc	200,000.00	129,000.00	70,000.00
Torpedo planter for Hawaiian Islands			175,000.00
Reclamation of land in Philippine Islands for fortifications		5,000.00	5,000.00
Seacoast guns, carriages, etc	400,000.00	3,008,000.00	704,000.00
Ammunition for seacoast guns, etc	50,000.00	250,000.00	50,000.00

Inspecting instruments for manufacture of cannon, etc	2,500.00		
Alteration and maintenance of seacoast artillery, including purchase of machinery, tools, etc	5,000.00	50,000.00	5,000.00
Submarine mines for insular possessions	205,440.00	472,027.00	200,000.00
Total, fortifications in insular possessions	1,692,940.00	14,842,758.00	3,168,500.00
Board of Ordnance and Fortification	25,000.00	100,000.00	50,000.00
Total	6,898,011.00	38,443,945.36	8,210,611.00

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1238.

TRANSFER OF CERTAIN LIGHT-VESSELS TO PACIFIC COAST.

MARCH 16, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAWNEY, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany S. R. 69.]

The Committee on Appropriations, to whom was referred the joint resolution (S. R. 69) granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes, having considered the same, report it back herewith and recommend that its passage be concurred in by the House.

The following letter from the Department of Commerce and Labor explains the necessity for the passage of the joint resolution, states the amounts of the unexpended balances proposed to be made available, and the probable amounts that will be required thereof for the purposes stated in the joint resolution:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 10, 1908.

DEAR SIR: Referring to the committee's informal request for further information relative to Senate concurrent resolution No. 33, making balances of certain appropriations for the construction of light-vessels and light-house tenders available for the transfer of a portion thereof to their stations on the Pacific coast and the Great Lakes, at the instance of the Light-House Board, I have the honor to state as follows:

Appropriations were made for the building of these vessels as follows:

Tender for the inspector, third light-house district	$200,000.00
Tender for the inspector, sixth light-house district	200,000.00
Tender for the inspector, seventh light-house district	200,000.00
Tender for the inspector, eleventh light-house district	200,000.00
Tender for the inspector, thirteenth light-house district	214,811.55
Tender for the engineer, twelfth light-house district	215,000.00
Tender for Porto Rico	200,000.00
Tender for Pacific Ocean	215,000.00
Brunswick, Ga., light-vessel	115,000.00
Nantucket Shoals, Massachusetts, light-vessel	115,000.00
Hen and Chickens, Massachusetts, light-vessel	115,000.00
Ambrose Channel, New York, light-vessel	115,000.00
Columbia River, Washington, light-vessel	130,000.00
Hedge Fence Shoal, Massachusetts, light-vessel	115,000.00
Relief light-vessel for fourth district	115,000.00
Relief light-vessel for the Pacific coast	130,000.00
Swiftsure Bank, Washington, light-vessel	130,000.00

It will be noticed that the appropriations for the tenders and light vessels for the Pacific coast are $15,000 in excess of those for the Atlantic coast. In estimating for this excess the Board had in view the increased cost for their construction on the Pacific coast or the expense of their transfer to the Pacific coast in case it should be

found advantageous to build them on the Atlantic coast. But the Comptroller of the Treasury on February 28, 1908, decided that such balances are not applicable and that in the absence of an act of Congress authorizing their application for expenses of transfer such expenses would have to be borne by the general appropriations for the maintenance of the Light-House Establishment. The appropriations for the fiscal year 1908 are insufficient for this purpose and the estimates for the fiscal year 1909 were not intended to cover same.

It is roughly estimated at the present time that upon the completion of all the before-mentioned vessels there will be balances amounting to about $186,000, as follows:

Tender for inspector, third light-house district	$10,000.00
Tender for assistant to inspector, third light-house district	10,000.00
Tender for inspector, sixth light-house district	10,000.00
Tender for inspector, seventh light-house district	10,000.00
Tender for inspector, eleventh light-house district	10,000.00
Tender for inspector, thirteenth light-house district	25,000.00
Tender for engineer, twelfth light-house district	25,000.00
Tender for assistant to inspector and engineer, twelfth light-house district	25,000.00
Brunswick, Ga., light-vessel	5,000.00
Nantucket Shoals, Massachusetts, light-vessel	6,000.00
Hen and Chickens, Massachusetts, light-vessel	6,000.00
Ambrose Channel, New York, light-vessel	5,000.00
Columbia River, Washington, light-vessel	19,000.00
Relief light-vessel for the Pacific coast	10,000.00
Swiftsure Bank, Washington, light-vessel	10,000.00
Total	186,000.00

It is estimated that the cost under favorable circumstances to transfer the following-named vessels to their stations is as follows:

Columbia River, Washington, light-vessel	$19,068.30
Swiftsure Bank, Washington, light-vessel	19,068.30
Relief light-vessel for Pacific coast	19,068.30
Tender for thirteenth (Oregon) district	22,811.72
Tender for engineer, twelfth (California) district	22,811.72
Tender for assistant to inspector and engineer, Hawaii	26,826.72
Tender for inspector, eleventh (Lake Superior) district	5,000.00

But these estimates do not provide for delays, breakdowns, increase in the price of coal, and other unforeseen emergencies en route. Should such occur no funds would be available for their relief, and the vessels might be stranded or tied up in the Straits of Magellan without relief except by act of Congress. The Light-House Board has, therefore, asked that such part of all balances from the building of these vessels as may be necessary shall be made available for the transfer of certain of them to stations on the Pacific coast and Great Lakes.

It appears that Senate concurrent resolution No. 33 is intended to provide for same. It would seem, however, that the concurrent resolution will not fulfill this purpose, and in order to make the balances available for the transfer of the vessels to the Pacific coast and the Great Lakes, it will be necessary to change the concurrent resolution into a joint resolution or other appropriate legislation, and the Department recommends that same be done.

The Light-House Board states that Columbia River, Washington, light-vessel, was delivered at the general light-house depot, Tompkinsville, N. Y., by the contractors on December 3, 1907, and the Board wished to transfer this vessel to her station with dispatch, and with that object in view recommended the foregoing legislation in the urgent deficiency bill, but failing to get such legislation passed, the vessel will now have to be allowed to remain tied up to the wharf at Tompkinsville awaiting the necessary legislation and favorable season for the passage through Magellan Straits and vicinity before she can be sent to her station.

The Department also states that the six other vessels enumerated in the foregoing should be completed and ready to start for their stations early in the fall, provided the necessary money for such transfer is available.

Very truly, yours, OSCAR S. STRAUS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1244.

IMPORTATION OF INFERIOR TEA FOR MANUFACTURE OF THEINE, ETC.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. 514.]

The Committee on Ways and Means, to whom was referred the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

The object of the bill is to relieve the manufacturers of caffeine (or theine) of a burden which your committee believes to be unnecessary to safeguard the interests of the Government. The bill has the approval of the Treasury Department, as appears from the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 11, 1907.

SIR: I have to acknowledge receipt of your letter of the 9th instant, transmitting, by direction of the Committee on Commerce, for such suggestions as I may deem proper, a copy of a bill, S. 514, Sixtieth Congress, first session, "To amend an act entitled 'An act to prevent the importation of impure and unwholesome tea,' approved March second, eighteen hundred and ninety-seven."

The bill provides that section 1 of the said act be amended by adding the following:

"*Provided*, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury."

I am of opinion that the intent and purpose of the tea act can be fully safeguarded under the proposed amendment by proper departmental regulations, and I will, therefore, interpose no objection to the passage of the bill in its present form.

Respectfully,

J. H. EDWARDS, *Acting Secretary.*

WOODBURY PULSIFER, Esq.,
Clerk Committee on Commerce, United States Senate.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1245.

FISH-CULTURAL STATION IN TEXAS.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 350.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 350) providing for the establishment of a fish-cultural station in the State of Texas, having examined same, recommend that the bill do pass with amendments, in accordance with the letter from Hon. George W. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR, BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill 350, "For the establishment of a fish hatchery at Paris, Texas," and asking for a report thereon, I have the honor to say that another fish-cultural station properly located in the State of Texas would be of great value to the fishery interests of that State. It is, however, against the policy of this Department to recommend an enactment which limits the selection of a site to any one locality, as it is believed so many conditions enter into the subject of a proper location that a selection should be made from the entire State. It is therefore suggested that the title of the bill be changed to read "To establish a fish-cultural station in the State of Texas."

In line 6 strike out the words "and maintenance," also the words "hatchery at," and insert "cultural station in the State of Texas, including the purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor."

Respectfully,

GEO. M. BOWERS,
Commissioner.

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1246.

FISH-CULTURAL STATION IN TENNESSEE.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 513.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 513) to establish a fish-cultural station in the county of Hickman, in the State of Tennessee, submit the following report:

A bill identical with this one was introduced in the Fifty-ninth Congress, and was carefully considered by this committee, and with the amendment, as hereinafter suggested, was favorably reported to the House with a recommendation for passage. In said report the following statement was made:

> In the region lying between the Allegheny Mountains and the Great Lakes no hatcheries now exist. The conditions in the waters are such as to necessitate artificial measures for keeping up the fish supply, and the establishment of a station in each of the States of Ohio, Indiana, Kentucky, and Tennessee is recommended by the Commissioner of Fisheries.

In that portion of the State of Tennessee lying west of the mountains and the Mississippi River, a territory something like 300 miles in length and the entire width of the State, there is a magnificent country abundantly supplied with streams magnificently fitted for fish. It is a country noted for its fine fishing streams and it is to the interest of the people of the country that the supply of fish should be kept up, and for this purpose a fish hatchery should be established and maintained in the State in accordance with a letter from Commissioner George M. Bowers, herewith attached.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill No. 513, "To establish a fish-cultural station in the county of Hickman, in the State of Tennessee," and asking for suggestions thereon, I have the honor to say that a fish-cultural station properly located in the State of Tennessee would be of great value to the fishery interests of that State. It is, however, against the policy of the Department to recommend an enactment which limits the selection of a site to any one locality, as it is believed so many conditions enter into the subject of a proper location that selection should be made from the entire State. It is therefore suggested that the title of the bill be changed to read "To establish a fish-cultural station in the State of Tennessee."

In lines 5 and 6 strike out the words "in the county of Hickman."

In this connection your attention is called to Senate bill No. 4455, which passed the Senate February 11, 1908, and provides for the establishment of a fish-cultural station in the State of Tennessee.

Respectfully,

GEO. M. BOWERS,
Commissioner.

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1247.

FISH-CULTURAL STATION IN KANSAS.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 3928.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 3928) providing for the establishment of a fish-cultural station in the State of Kansas, having examined same, recommend that the bill do pass with amendments, in accordance with the letter from Hon. George M. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR, BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill 3928, "To establish a fish hatchery and fish-culture station in the State of Kansas," and asking for a report thereon, I have the honor to say that a fish-cultural station properly located in the State of Kansas would be of great value to the fishery interests of that State. It is, however, against the policy of this Department to recommend an enactment which limits the selection of a site to any one locality, and it is believed so many conditions enter into the subject of a proper location that the selection should be made from the entire State. It is therefore suggested that the title of the bill be changed to read, "To establish a fish-cultural station in the State of Kansas."

In line 5 strike out the words "fish hatchery."

In line 6 change "fish culture" to "fish-cultural" and strike out the words "in the county of Butler, or some suitable contiguous territory."

In line 9 strike out the words "in said county."

In lines 9 and 10 strike out the words "United States Commissioner of Fish and Fisheries," and substitute therefor the words "Secretary of Commerce and Labor."

In this connection your attention is called to Senate bill 2640, providing for a fish-cultural station in Kansas, which passed the Senate on January 15, 1908.

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPOR No. 124

FISH-CULTURAL STATION IN SOUTH CAROLINA.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Mari and Fisheries, submitted the following

REPORT.

[To accompany H. R. 3972.]

The Committee on the Merchant Marine and Fisheries, to who was referred the bill (H. R. 3972) providing for the establishment a fish-cultural station in the State of South Carolina, having examine same, recommend that the bill do pass with amendments, in accordan with the letter from Hon. George M. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-nin Congress.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill No. 3972, "To esta lish a fish hatchery and fish station in the State of South Carolina," and asking f a report thereon, I have the honor to say that a fish-cultural station properly locat in the State of South Carolina would be of great value to the fishery interests of th State. It is suggested, however, that the title of the bill be changed to read "T establish a fish-cultural station in the State of South Carolina," and that in lines and 9 the words "United States Commissioner of Fish and Fisheries" be strick out and the words "Secretary of Commerce and Labor" substituted therefor.

Respectfully,

GEO. M. BOWERS,
Commissioner.

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1249.

FISH-CULTURAL STATION IN KENTUCKY.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 4901.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 4901) providing for the establishment of a fish-cultural station in the State of Kentucky, having examined same, unanimously recommend that the bill do pass with amendments, in accordance with the letter from Hon. George M. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill 4901 and asking for a report thereon, I have the honor to say that a fish-cultural station properly located in the State of Kentucky would be of great value to the fishery interests of that State. It is, however, against the policy of this Department to recommend an enactment which limits the selection of a site to any locality, as it is believed so many conditions enter into the subject of a proper location that a selection should be made from the entire State. It is therefore suggested that the title of the bill be changed to read "to establish a fish-cultural station in the State of Kentucky."

In line 6 strike out "fish hatching and."

In line 7 change "fish culture" to "fish-cultural" and strike out the words "county of Jefferson."

In lines 8 and 9 strike out the words "United States Commissioner of Fish and Fisheries" and substitute therefor "Secretary of Commerce and Labor."

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1250.

MARINE BIOLOGICAL STATION ON GULF COAST OF FLORIDA.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 6131.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 6131) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico, within the limits of the State of Florida, have examined the same and recommend that the bill pass with the following amendments:

Amend title to read: "A bill to establish a marine biological station on the Gulf coast of the State of Florida."

Line 3, strike out "Commissioner of Fisheries" and insert "Secretary of Commerce and Labor."

Line 5, strike out the words "fish-cultural and" and insert "or near."

Page 2, line 6, strike out "Commissioner of Fisheries" and insert "Secretary of Commerce and Labor."

Line 8, strike out "one hundred" and insert "fifty."

Similar bills to this were reported favorably in the Fifty-seventh and Fifty-ninth Congresses, that in the Fifty-seventh Congress being H. R. 11476, which dealt only with a biological station on the Gulf coast of the State of Florida, but substantially the same provisions were incorporated in H. R. 16015, second session Fifty-ninth Congress, entitled "An act to establish fish-hatcheries and fish-cultural stations in the various States, and for other purposes."

In the first above-mentioned report this committee, discussing and showing the importance of fish-hatcheries and fish-cultural stations throughout the country, proceeded as follows:

As heretofore stated, careful and painstaking investigation is necessary and precedent to the more practical work of propagation by the hatchery stations.

The Fish Commission have made a careful investigation of the territory covered by the Gulf of Mexico, with a view to selecting that location which would offer

greater facilities for the investigation of the sea life peculiar to the Gulf o and have concluded that the same should be established at some point upo coast of Florida, to be subsequently determined by the Commissioner of Fisheries.

The operations of this station will require no large annual expenditu investigations will be conducted by volunteer observers and scientists country at large and by men already in the employ of the Fish Commissio

The importance of such a station has in no wise abated sin shown by the following communications from the Commissione Bureau of Fisheries, addressed to the Hon. Stephen M. Sp who introduced the bill in the House of Representatives:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHER
Washington, February

SIR: Replying to your letter of February 3, 1908, inclosing House bill authorize the establishment of a fish-cultural and biological station on tl Mexico within the limits of the State of Florida," and asking for a report t have the honor to say that the establishment of a biological station on the (is of great importance for the following reasons:

The marine life, its protection, and the climatic conditions are so varie ferent in the different sections of our country tnat a thorough and comple edge thereof is of the utmost importance in the development of the fishery

The problems needing investigation are the breeding times, places, c habits, food, and feeding grounds of the most important food fishes in there regions, together with their enemies during the earlier and later stages growth. The observations necessary to determine these matters can not l on systematically by any one State, and should be conducted by the Go itself.

An investigation of the advantages afforded by the different localities i the Gulf States seems to indicate that some point in Florida would be the m able location. It is believed, however, that the amount carried by the bill is sarily large, and it is thought the desired station can be completed for th $50,000. The passage of this bill is recommended with the following char

Title to read: "A bill to establish a marine biological station on the Gul the State of Florida."

In line 3 change "Commissioner of Fish and Fisheries" to "Secretary of C and Labor."

Strike out in line 5 "fish-cultural and," together with the words "or nea

Strike out in line 6 "or near."

On page 2, line 6, strike out "Commissioner of Fish and Fisheries" a "Secretary of Commerce and Labor."

In line 8 strike out "one hundred" and insert "fifty."

Respectfully,

GEO. M. BOWI
Comm

Hon. W. W. WILSON,
Committee on Merchant Marine and Fisheries, House of Representatives.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHER
Washington, March

SIR: Referring to our conversation of this morning, I have the honor to following report on House bill 6131, to "Authorize the establishment of a fis and biological station on the Gulf of Mexico within the limits of the Florida."

This Bureau has long appreciated the importance of the establishment oughly equipped biological station on the Gulf coast, and it has made sever mendations to that end. The project has been repeatedly urged also by of Congress, by fishery conventions, and by individuals interested in the study of the fisheries of the Gulf States. By Senate resolution of February the Commissioner was "directed to make inquiry * * * and to report desirability of establishing a station for investigation, experiment, and fis at some suitable point on the (Florida) coast." and a report was transmitte pliance therewith on January 28, 1897. The National Fishery Congre

convened in Tampa in January, 1898, adopted strong resolutions indorsing the project, and appointed a committee for its furtherance, and, in 1901, at the instance of the University of Mississippi, many institutions of learning in various parts of the country vigorously urged it.

During the Fifty-sixth Congress several bills providing for a biological station were introduced, and that it might be thoroughly equipped to advise in the matter this Bureau, in 1901, made a reconnaissance of all suggested or presumably suitable sites, as a result of which it was decided that the most suitable location was the coast of Florida. This decision was reached because of the extraordinary wealth of marine life on that coast. Practically every marine species known elsewhere in the Gulf States occurs there, and in addition there are many others not found elsewhere in our waters. The number of important food fishes is unequaled on any other sections of our coasts. The southern part of the Florida coast also presents the important biological considerations of the close juxtaposition of very deep and shallow waters and the proximity of the Gulf Stream, thus presenting a wider range of conditions than occurs elsewhere. The Bureau has two laboratories on the Atlantic coast—one at Woods Hole, Mass., and the other at Beaufort, N. C. It has none on the Gulf coast, notwithstanding that the latter has a longer littoral than any other division of the seaboard States. While the fisheries of the Gulf are not so extensive as those of the New England, Middle Atlantic, or Pacific States, they nevertheless give employment to upward of 18,000 persons, represent an invested capital of over $4,700,000, and yield an annual product of over $3,500,000. The Bureau believes that these fisheries are capable of vast development through improvements in methods of capture and handling, a better understanding of the potential resources, and more rational regulation based on increased knowledge of the habits of the several species.

No section of the United States has a more bountiful supply of economic marine animals, and a more complete knowledge of their habits and distribution would indubitably yield large commercial returns. This information can in many cases be obtained only by the aid of a properly equipped laboratory, which would not only furnish facilities for investigations by the regular personnel of the Bureau, but would also attract volunteer investigators from the entire South and much of the North.

The Bureau has practically completed certain experiments in sponge culture, which it regards as important in the perpetuation of the sponge fishery, and as soon as the industry becomes established its hopes to be able to introduce some of the highly valued sponges of the Mediterranean. To keep these under observation and control it is absolutely necessary to have facilities such as a laboratory would afford.

Other problems of applied biology which could be solved if facilities were available are the artificial raising of green turtles, now commercially extinct; the development of a method of propagating spiny lobsters or crawfish, now rapidly decreasing; the development of the best methods of hatching mullets and other important food fishes; experiments toward the introduction of pearl oysters into our waters; the utilization of valuable marine products now neglected and many others of similar importance. The solution of but a few of these problems would amply repay the cost of building and maintaining a laboratory.

The Bureau does not believe it advantageous to couple in the one establishment a laboratory and a hatchery. The requirements for the one are not those usually requisite for the other, and the attempt to combine the two is liable to result in the selection of a site not fully adapted to either. If it is desired to authorize both, it is therefore recommended that they be separately provided for and that half of the appropriation allotted in the bill be allotted to each.

The Bureau recommends the passage of the bill with the following changes:

Title to read: "A bill to establish a marine biological station on the Gulf coast of the State of Florida."

Line 3, change "Commissioner of Fisheries" to read "Secretary of Commerce and Labor."

Line 5, strike out the words "fish-cultural and" and "or near."

Line 6, strike out "or near."

Page 2, line 6, change "Commissioner of Fisheries" to read "Secretary of Commerce and Labor."

Line 8, strike out "one hundred" and insert "fifty."

Under another cover the Bureau is transmitting certain publications relating to the desirability of establishing a laboratory on the Gulf coast.

Respectfully,

GEO. M. BOWERS,
Commissioner.

Hon. STEPHEN M. SPARKMAN,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1851.

FISH-CULTURAL STATION IN WISCONSIN.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries submitted the following

REPORT.

[To accompany H. R. 7616.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 7616) providing for the establishment of a fish-cultural station in the State of Wisconsin, having examined same, unanimously recommend that the bill do pass with amendments, in accordance with the letter from Hon. George M. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 8, 1908.

SIR: Replying to your letter of March 2, inclosing House bill No. 7616, "To establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin," and asking for a report thereon, I have the honor to say that a fish-cultural station properly located in the State of Wisconsin would be of great value to the fishery interests of that State. It is, however, against the policy of this Department to recommend an enactment which limits the selection of a site to any one locality, as it is believed so many conditions enter into the subject of a proper location that the selection should be made from the entire State. It is therefore suggested that the title to the bill be changed to read: "To establish a fish-cultural station in the State of Wisconsin."

In line 6 strike out the words "city of Green Bay, Brown County."

In line 9 strike out the words "United States Commissioner of Fish and Fisheries" and substitute therefor "Secretary of Commerce and Labor."

Respectfully,

GEO. M. BOWERS,
Commissioner.

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1252.

FISH-CULTURAL STATION IN HAWAII.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 11825.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 11825) providing for a fish-cultural and biological station in the Territory of Hawaii, having had the same under consideration, recommend that the bill do pass without amendment.

For generations past, fish have constituted one of the few staples of food of the Hawaiian people, and the maintenance of the supply is a highly important economic factor in Hawaiian life.

Very extensive fish ponds have been inclosed for the better propagation and growth of certain varieties of food fish. Some of these large ponds are Government property, but the majority are private holdings. In addition there are certain bays and reefs where food fish have their habitat, whose multiplication could be greatly increased.

There is probably no place in the United States where a fish-cultural and biological station could be more advantageously located than in Hawaii.

The bill stipulates that the Territory of Hawaii shall provide, free of cost to the United States, the necessary land and water rights required for the equipment of such a station.

The Commissioner of Fisheries recommends the passage of this bill in the following letter, which is made a part of this report:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 4, 1908.

SIR: Replying to your letter of February 3, inclosing bill H. R. 11825, "To establish a fish-cultural and biological station in the Territory of Hawaii," and asking for a report thereon, I have the honor to say that the establishment of a biological station in tropical waters is of great importance for the following reasons:

The marine life, its protection, and the climatic conditions are so varied and different in the different sections of our country that a thorough and complete knowledge thereof is of the utmost importance for the development of the fishery industries.

The propagation of the mullet, it is believed, can be successfully carried on at proposed station, and quite likely the Carangoids, the Oio, and the Awa can also successfully propagated. It is also believed that much can be done toward devel ing methods for the utilization of the edible seaweeds. It is therefore recommen that the bill do pass.

Respectfully,

GEORGE M. BOWERS,
Commissioner

Hon. W. W. WILSON,
Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1253.

TO AMEND SECTION 13 OF NATURALIZATION LAW.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MOORE, of Texas, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 16509.]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 16509) to amend section 13 of the naturalization law, report the same back with the following amendments, and recommend the adoption of the amendments, and, when so amended, that the bill do pass:

Page 1 amend the title by striking out the word "twelve" and inserting the word "thirteen."

Page 1, line 3, strike out the word "twelve" and insert the word "thirteen."

Page 1, line 7, strike out the words "by adding the following."

Page 1, line 8, strike out the words "at the end of the section."

Page 1, line 9, strike out the word "that" and insert the word "and."

And in the naturalization act, Public, 338, on page 6, section 13, strike out the last sentence of the act, reading as follows:

And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance;

so that as amended the section will read as follows:

SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account thereof quarterly to the Auditor

for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. and in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Commerce and Labor may allow salaries, only for naturalization purposes, to pay for clerical assistants, to be selected and employed by that clerk, additional to the clerical force, which clerks of courts are required to pay for by section thirteen of the act of June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes, page five hundred and ninety-six), from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance. Such amount as may be necessary to pay the additional clerical assistance herein provided for is hereby permanently appropriated from any naturalization fees collected by such clerk and deposited in the Treasury of the United States: *Provided*, That the total salaries of such additional clerical assistants shall in no instance exceed the fees received by the United States from the clerk of that court during such fiscal year: *Provided further*. That when, at the close of any fiscal year, the business of such clerk of court indicates that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate that the fees for the ensuing fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

This bill is necessary, because, Congress, in passing the naturalization act, failed to make a specific appropriation for clerical assistance to clerks of courts. A provision was inserted for that purpose, but the Comptroller of the Treasury held that it was ineffective, and at the request of the division of naturalization drafted the form of the first section of the reported bill. Unless this bill is passed naturalization of persons entitled to it in large cities will very largely cease.

The reasons for the bill are concisely stated in the following extract from the testimony of Richard K. Campbell, Chief, Division of Naturalization, Bureau of Immigration and Naturalization, Department of Commerce and Labor, before the subcommittee on naturalization of the committee:

Mr. CAMPBELL. Yes. You have seen this copy of the New York Herald, have you not, showing the congested business of the clerk's office of the United States circuit court in New York?

Mr. BENNET. Yes.

Mr. CAMPBELL. I myself have been a witness to it. They handle about 25 per cent of the applicants for naturalization appearing before that court. The other 75 per cent waits and comes and goes. Some have been there as many as six times, with their witnesses, and it puts the applicants to a heavy expense. The answer to that is made by the clerk of the court, to the effect that he can not afford to employ more than three clerks. He gets $3,000, and it takes three clerks to do that much, and while there is a provision in the law that allows the Secretary of Commerce and

Labor to pay for additional clerical services where the collections have been in excess of $6,000 in any court, still the Comptroller of the Treasury has held, in view of that act passed in 1902, that there would have to be a specific appropriation to take that money out of the Treasury to pay for this clerk hire. In other words, he holds that that provision that I have referred to here is void. That is the provision contained in section 13. It says—

"The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerks, from the money which the United States shall receive, additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance."

Now, the Comptroller has held, and I think correctly, so far as the law is concerned, that he is precluded from rendering an opinion that anything can be done under that, for the reason that on July 1, 1902, the House passed an act, Statutes 32, page 560, that "hereafter no act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the act." So that practically that part of section 13 is a dead letter. In view of that condition of affairs, we have had a great deal of complaint, and properly so, about——

Mr. BURNETT. The construction would be that he had no right, unless there would be a specific appropriation, to pay for additional clerk hire?

Mr. CAMPBELL. Yes, to make an allowance for those already employed. Because of the complaints and of the situation in New York and at other points, a measure was drafted and attached here recently to the estimates for the urgent deficiency bill, rather a hopeless undertaking; but they considered it, and Mr. Tawney disposed of it very briefly in about three words, saying it was legislation and had no business there. Since then I have had this draft taken over to the Comptroller, so that he might examine it and see in advance whether there is any flaw in it; whether it would accomplish the purposes for which it was intended, and he himself made one little comment in pencil. I want to leave that with the committee, and to urge that it be put in some form, a joint resolution or some other form, as your wisdom will dictate, for early passage, because that is a very serious matter.

Mr. HAYES. Is it in regard to clerk fees?

Mr. CAMPBELL. In regard to the power of the Secretary to authorize the employment of additional clerical help if it is needed. Here it is [submitting same]:

"In case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of $6,000 in any fiscal year, the Secretary of Commerce and Labor may allow salaries, only for naturalization purposes, to pay for clerical assistants, to be selected and employed by that clerk, additional to the clerical force, which clerks of courts are required to pay for by section 13 of the act of June 29, 1906 (34 Stat., 596), from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance. Such amount as may be necessary to pay the additional clerical assistance herein provided for is hereby permanently appropriated from any naturalization fees collected and deposited in the Treasury of the United States: *Provided*, That the total salaries of such additional clerical assistants shall in no instance exceed the fees received by the United States from the clerk of that court during such fiscal year.

"*Provided further*, That when at the close of any fiscal year the business of such clerk of court indicates that the naturalization fees for the succeeding fiscal year will exceed $6,000, the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year, until such time as the remittances indicate that the fees for the ensuing fiscal year will not be sufficient to allow the additional clerical assistance allowed by this act.

"It is further provided that payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe."

Mr. BURNETT. Now, is the effect of that first paragraph only to change the law so as to provide for the payment, as we thought we were providing for, there?

Mr. CAMPBELL. So I understand. That is, not payment in advance; a payment for clerical hire that has been employed, if in the opinion of the Secretary the employment was justifiable.

Mr. BENNET. The defect of the parent statute is this: In the first place, nothing can be done until the end of the year and they find they have taken in $6,000 in fees. But even then there is nothing by which they can judge that the fees of the next year will be $6,000.

Mr. CAMPBELL. That has been very carefully drawn. I want to leave with each of you gentlemen a copy of the New York Herald containing this article; for while it makes certain mistakes of detail as to law, it is an accurate description of the state of affairs prevailing there in New York with regard to the congestion existing there. They have to have marshals go in there to clear the halls at times.

Mr. BURNETT. That, you think, is for the lack of sufficient clerical force?

Mr. CAMPBELL. Yes. They have but three clerks to get out fifty papers a day, and some days they have as high as 1,000 applicants.

Mr. BENNET. So far as that statement goes it is correct. But another cause of congestion is that on the days when the court sits—and the hearings must be in open court—they will send, say 100 or 125, those that are ready, and they will pass on, say, 50 or 60. I have known cases within my own experience of fine people going down there two or three or four times, a man and two witnesses; and the man loses his day's time and the wages of the two men that go down with him. Of course that is all wrong.

What will happen in one large office if this bill is not passed is shown by the following letter forwarded to the committee by the Secretary of Commerce and Labor:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 11, 1908.

DEAR SIR: As an indication of the pressing necessity of securing speedy action upon the bills introduced in Congress to increase the compensation of clerks of courts exercising naturalization jurisdiction and to provide a means for compensating them for the cost of additional clerical assistance beyond the limit of three thousand dollars allowed them under existing law, I beg to submit herewith a copy of a letter from Mr. Richard P. Morle, clerk of the United States district court for the eastern district of New York.

As you will see from this letter unless the bills referred to are speedily enacted there will be in a short time in one court, if not in others, a virtual closing down of the business of naturalizing aliens. I need not refer to the very obvious embarrassment that will result should petitioners for naturalization be refused the opportunity to comply with the law and secure citizenship because of a failure to provide the means to pay for clerical assistance.

Very truly, yours,

OSCAR S. STRAUS,
Secretary.

Hon. WILLIAM S. BENNET,
Chairman Subcommittee of the Committee on Immigration and Naturalization, House of Representatives.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF NEW YORK,
Brooklyn, N. Y., March 9, 1908.

DEAR SIR: The sum of $3,000, which I am allowed to retain, under section 13 of the naturalization act, during the fiscal year, has been almost expended. I will only have sufficient money from March 14 to June 30 to pay one clerk's salary; therefore shall at the end of this week discharge the other clerks employed by me at the present time. With the one clerk whom I shall retain I shall not be able to accomplish much in taking petitions and declarations of intention, as one day of the week will be devoted to attendance in court on hearings on petitions, one day in preparing the certificates, and another day in preparing the calendar of cases for the court and district attorney.

I am aware that my refusal to accept petitions and declarations will create a great deal of comment and complaint in this district, but I can not continue the additional clerical assistance at my personal loss. Thus far I see no prospect of Congress granting any relief during this session. I have up to the present day received $9,500 for petitions, certificates, and declarations of intention since July 1, 1907.

Yours, respectfully,

RICHARD P. MORLE, *Clerk.*

BUREAU OF IMMIGRATION AND NATURALIZATION.
Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1254.

FISH-CULTURAL STATION IN ILLINOIS.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 17138.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 17138) providing for the establishment of a fish-cultural station in the State of Illinois, having examined same, recommend that the bill do pass with amendments, in accordance with the letter from Hon. George M. Bowers, Fish Commissioner.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: Replying to your letter of March 2, inclosing House bill 17138, "To establish a fish-hatching and fish-culture station in Monroe County, State of Illinois," and asking for a report thereon, I have the honor to say that it has been found to be impracticable to limit the selection of a site for a fish-cultural station to any particular county or section, as this may prevent the establishment of an efficient station, and it is strongly urged that sufficient latitude be allowed in all cases to secure a site which would give the best results.

For a successful station it is necessary to have available at least 2,000 gallons of water per minute, of proper quality and temperature, and where the topographical surroundings will permit the water to be conducted by gravity to the ponds and hatchery and allow the construction of buildings in proper relations to the water supply. Good railroad facilities are also essential. Experience has proved that a cursory examination is not sufficient to determine these requisites, but tests and surveys are necessary, and if the selection is confined to one locality owners of suitable land are inclined to put an unreasonable value on it, knowing the Government to be practically at their mercy.

It is therefore suggested that the title of the bill be changed to read, "To establish a fish-cultural station in the State of Illinois."

In line 6 strike out the words "fish hatching and."

In line 7 change the words "fish culture" to "fish-cultural" and strike out "County of Monroe." After the word "Illinois" add "including the purchase of site, construction of buildings and ponds, and equipment."

In lines 8 and 9 strike out the words "United States Commissioner of Fish and Fisheries" and substitute therefor "Secretary of Commerce and Labor."

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1255

FISH-CULTURAL STATION IN LOUISIANA.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state o the Union and ordered to be printed.

Mr. WILSON, of Illinois, from the Committee on the Merchant Marin and Fisheries, submitted the following

REPORT.

[To accompany H. R. 17139.]

The Committee on the Merchant Marine and Fisheries to whom wa referred the bill (H. R. 17139) providing for the establishment of a fish-cultural station in the State of Louisiana, having examined the same, recommend that the bill do pass.

A similar bill to this was favorably reported by the Fifty-ninth Congress.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 3, 1908.

SIR: In response to your telephone message, I have the honor to say that a fish cultural station properly located in the State of Louisiana would be of great value in the propagation of the fishes of that State. The inclosed bill, H. R. 17139, for that purpose is believed to be in proper form and has my approval.

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Hon. WILLIAM W. WILSON,
House of Representatives, Washington, D. C.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1256.

DAM ACROSS JAMES RIVER IN STONE COUNTY, MO.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 17707.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 3, page 1, after the word "That" insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend he and they are hereby authorized," and in line 10, page 1, after the word "impound" insert "at the narrows in said bend."

At the end of section 1 add the following:

Provided, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations, taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them.

Strike out all of section 2 and renumber section 3 to section 2.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1908.

Respectfully returned to the Secretary of War with recommendation that t[illegible] accompanying bill (H. R. 17707, 60th Cong., 1st sess.,) to authorize the constructi[illegible] of a dam across James River, in Stone County, Mo., and to divert a portion of [illegible] waters through a channel into the said river again, to create electric power, [illegible] amended as indicated in red thereon.

As thus amended I am of opinion that the bill makes ample provision for the pr[illegible]tection of navigation interests, and I know of no objection to its favorable conside[illegible]ation by Congress so far as those interests are concerned.

SMITH S. LEACH,
Acting Chief of Engineers.

[Third indorsement.]

WAR DEPARTMENT, *March 12, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Co[illegible]merce, House of Representatives, inviting attention to the foregoing report of t[illegible] Acting Chief of Engineers, U. S. Army, and to the accompanying copy of amend[illegible] bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1257.

BRIDGE ACROSS MISSOURI RIVER NEAR GLASGOW, MO.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 18350.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 18350) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River, near the city of Glasgow, in the State of Missouri, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill by adding a new section as follows:

SEC. 3. That the act of Congress approved June thirtieth, nineteen hundred and six, authorizing the said Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, is hereby repealed.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 7, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 18350, Sixtieth Congress, first session, to authorize the Missouri Central Railroad Company to construct a bridge across Missouri River near the city of Glasgow, Mo., is practically identical with an act of Congress approved June 30, 1906, which is understood to be still in force, the only variance being a slight difference in the description of the location. It is assumed that the object of the bill is to extend the time for commencing and completing the structure. If this assumption is correct, it is thought that the bill should be amended by adding a section as follows:

"SEC. 3. That the act of Congress approved June 30, 1906, authorizing the said Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, is hereby repealed."

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 9, 190*

Respectfully returned to the chairman Committee on Interstate and For Commerce, House of Representatives, inviting attention to the foregoing repor the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of Wa

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1258.

BRIDGE ACROSS MISSOURI RIVER NEAR ST. CHARLES, MO.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 18351.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 18351) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill by adding a new section, as follows:

SEC. 3. That the act of Congress approved June thirtieth, nineteen hundred and six, authorizing the said Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Saint Charles, in the State of Missouri, is hereby repealed.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 7, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 18351, to authorize the Missouri Central Railroad Company to construct a bridge across Missouri River near the city of St. Charles, Mo., is practically identical with an act of Congress approved June 30, 1906, which is understood to be still in force, the only variance being a slight difference in the description of the location. It is assumed that the object of the bill is to extend the time for commencing and completing the structure. If this assumption is correct, it is thought that the bill should be amended by adding a section as follows:

"SEC. 3. That the act of Congress approved June 30, 1906, authorizing the said 'Missouri Central Railroad Company to construct and maintain a bridge across the

Missouri River near the city of Saint Charles, in the State of Missouri,' is here repealed."

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 9, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 1259.

BRIDGES ACROSS CUMBERLAND RIVER.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 18615.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 18615), to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 7, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill, H. R. 18615, Sixtieth Congress, first session, is understood to be to extend the time for commencing and completing the bridges authorized by an act of Congress approved March 2, 1907, to be built across Cumberland River. The bill contains a section repealing the said act.

So far as the interests of navigation are concerned, I see no objection to the favorable consideration of the bill by Congress.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 9, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPOR No. 126

BRIDGE ACROSS TENNESSEE RIVER.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on Interstate and Forei Commerce, submitted the following

REPORT.

[To accompany H. R. 18616.]

The Committee on Interstate and Foreign Commerce, to whom w referred the bill (H. R. 18616) to authorize the Cairo and Tennes Railroad Company to construct a bridge across the Tennessee Rive having considered the same, report thereon with a recommendati that it pass.

The bill has the approval of the War Department, as will appear b the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 7, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill is understood to be to extend the time f commencing and completing the bridge authorized by act of Congress approv March 2, 1907, to be built across Tennessee River. The bill contains a secti repealing the said act.

So far as the interests of navigation are concerned, I see no objection to the favo able consideration of the bill by Congress.

A. MACKENZIE,
Brig. Gen. Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 9, 1908.*

Respectfully returned to the Chairman Committee on Interstate and Forei Commerce, House of Representatives, inviting attention to the foregoing report the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1261.

TO ESTABLISH HARBOR LINES IN WILMINGTON HARBOR, CAL.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. R. 58.]

The Committee on Interstate and Foreign Commerce, to whom was referred the resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, Cal., having considered the same report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 19, 1908.

Respectfully returned to the Secretary of War.

The existing law authorizing the Secretary of War to establish harbor lines is contained in section 11 of the river and harbor act of March 3, 1899. Under this law, before the authority can be exercised it must be made manifest that the establishment of harbor lines in any particular harbor is essential to the preservation and protection of that harbor. Strictly speaking, the conditions now existing in Wilmington Harbor, California, are not such as to warrant such action by the Department, but the establishment of harbor lines would be beneficial to the owners of land abutting or underlying the waters of the harbor who contemplate important and comprehensive enterprises in the way of the construction of docks and slips for commercial purposes. Incidentally this would be advantageous to the public also in fixing the line for commercial structures, and at the same time marking the water areas to be given up for navigation.

The object of the accompanying joint resolution (S. R. 54, 60th Cong., 1st sess.) is to confer on the Secretary of War special authority in the matter of the establishment of harbor lines, so far as this particular harbor is concerned, and in my opinion the proposition is a commendable one, which should receive the favorable consideration of Congress.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *February 20, 19*

Respectfully returned to the chairman Committee on Commerce, United S Senate, inviting attention to the foregoing report of the Chief of Engineers, Army.

ROBERT SHAW OLIVER,
Assistant Secretary of W

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1262.

ISSUANCE OF COMMISSIONS TO ARMY OFFICERS RETIRED WITH INCREASED RANK.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 653.]

The Committee on Military Affairs, to whom was referred the bill (S. 653) to authorize commissions to issue in cases of officers of the Army retired with increased rank, report the same back to the House with the recommendation that it do pass.

This act is identical with H. R. 11792, which was reported by this committee on March 10 and on which Report No. 1206 was printed. It is recommended that this bill be substituted for said House bill on the Calendar.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPOR No. 12

AMENDING ACT FOR CONSTRUCTION OF DAM A BRIDGE ACROSS MISSOURI RIVER IN MONTANA.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commer submitted the following

REPORT.

[To accompany S. 5908.]

The Committee on Interstate and Foreign Commerce, to whom referred the bill (S. 5908) to amend an act authorizing the constr tion of a dam and bridge across the Missouri River in the State Montana, having considered the same, report thereon with a rec mendation that it pass.

The bill has the approval of the War Department, as will appear the letter attached and which is made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 9, 190

Respectfully returned to the Secretary of War.

The object of the accompanying bill, S. 5908, Sixtieth Congress, first session, i amend the act of Congress approved February 20, 1907, authorizing the constructio a dam and bridge across Missouri River, the chief amendment being the correctio an error in the original description of the location. An extension of time for c mencing and completing the structures is also proposed by the bill.

Plans for the structures authorized by the act have been submitted to the Department for approval and are now under consideration.

The grantee is apparently proceeding in good faith, and I therefore see no object so far as the interests of navigation are concerned, to the amendment of the a proposed by the bill under consideration.

SMITH S. LEACH,
Acting Chief of Enginee

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1264.

SAFETY OF LIFE ON NAVIGABLE WATERS DURING REGATTAS OR MARINE PARADES.

MARCH 17, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 6028.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department of Commerce and Labor, as will appear by the letter attached and which is made a part of this report.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 10, 1908.

SIR: I have received your letter of the 10th instant transmitting S. 6028, a bill "to provide for safety of life on navigable waters during regattas or marine parades."

In reply to your request that I furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to say: I approve the bill, and it is satisfactory to the Secretary of the Treasury and approved by the Secretary of the Navy.

On the arrival of the American battle ships late in April or early in May the approaches and harbor of San Francisco will be thronged with all types of vessels, crowded with sight-seers to welcome the fleet. The occasion will equal and perhaps transcend the international yacht races for the *America's* cup in the number of vessels under way or at least in the eagerness of their owners and masters to secure advantageous positions to view the parade. Such occasions usually lead to more or less reckless navigation on the part of some to the danger of many. The Federal and local officers at San Francisco consider it important that special navigation rules be framed to guard against any accident or untoward occurrence to mar the celebration. They can not be effective without action by Congress.

The risks connected with the international yacht races led Congress to pass the act of May 19, 1896, relating to regattas. It would be palpably absurd to call the arrival of the fleet a regatta, although the conditions on the water will doubtless be similar

to those which the regatta act of 1896 has imperfectly met. Next September sim conditions will probably be repeated in New York Harbor and on the Hudson Ri at the Robert Fulton celebration, and in 1911 when the centenary of the first ste boat on the Mississippi is celebrated. Doubtless other marine events hereafter r assume proportions requiring in the interest of safety to life special action by on more of the Federal Departments concerned with marine affairs.

The bill is designed to be broad enough to provide for safety to life on navig waters during any important event bringing together many vessels crowded w passengers when the ordinary navigation rules should be supplemented. As Secretary of Commerce and Labor is in general charge of shipping matters, includ the regatta act since July 1, 1903, the bill vests him with administration genera It provides, however, in section 3 for the transfer of administration by the Pr dent to another cabinet officer on special occasions when propriety may suggest s transfer.

The second section provides a patrol fleet for police purposes on such occasions. can be drawn from various sources at various places. Thus sometimes the N Department can furnish torpedo vessels; the Treasury Department, revenue cutt the Department of Commerce and Labor, light-house tenders, and Coast and Geod Survey, steamers; and on the Mississippi, should occasion demand, the War Dep ment can furnish steamers, etc., employed by the Engineer Corps. At the inte tional yacht races, owners of yachts tendered to the Government the use of t vessels for patrol purposes, and on other occasions yachts, tugs, etc., would doubt be tendered without pay from courtesy or for the distinction.

The penalties proposed are those which seem most efficacious to prevent accide The regatta act of 1896 lacked penalties. For careful navigators no law and penalty, of course, are needed. On such occasions, however, excitement in s instances and the desire to make money in others lead some masters and owner reckless disregard of the safety, rights, and enjoyments of law-abiding citizens. bill may be the means of preventing catastrophes during festival occasions.

As this bill takes the place of the incomplete regatta act of May 19, 1896, it vides for the repeal of the regatta act (inclosed).

At page 2, lines 12, 15, and 20, semicolons may be substituted for periods.

Respectfully,

OSCAR S. STRAUS, *Secretar*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

Act proposed to be repealed.

[29 Stats., p. 122.]

CHAP. 199.—AN ACT To provide for the safety of passengers on excursion steamers.

Be it enacted by the Senate and House of Representatives of the United States of Ame in Congress assembled, That in order to provide for the safety of passengers on ex sion steamers, yachts, oarsmen, and all craft, whether as observers or participa taking part in regattas, amateur or professional, that may hereafter be held on n gable waters, the Secretary of the Treasury be, and he is hereby, authorized empowered in his discretion to detail revenue cutters to enforce such rules and r lations as may be adopted to insure the safety of passengers on said excursion ste ers, yachts, oarsmen, and all crafts, whether as observers or participants, taking in such regattas.

Approved, May 19, 1896.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1265.

CONDEMNED CANNON, ETC., FOR NEW HAMPSHIRE.

MARCH 17, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. R. 28.]

The Committee on Military Affairs, to whom was referred the resolution (S. R. 28) authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire, report the same back to the House with the recommendation that it do pass.

This measure passed the Senate March 6, 1908, and the report made thereon is hereto annexed and made a part of this report.

[Senate Report No. 333, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the joint resolution (S. R. 28) authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire, has considered the same and reports it back to the Senate favorably, recommending its passage.

The resolution provides that the Secretary of War may donate to the State of New Hampshire four bronze light 12-pounder muzzle-loading cannon of obsolete design, together with their carriages, limbers, caissons, and other accessories. These cannon were formerly the equipment of the First Light Battery, New Hampshire National Guard, and are at present in that State's possession.

The resolution further provides that the Government shall incur no expense in the proposed donation and delivery of the cannon and accessories.

The War Department makes the following statements relative to the proposed legislation:

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, December 19, 1907.

Respectfully returned to the honorable the Secretary of War.

The within mentioned brass 12-pounder cannon are no longer used in the service, and this Department has no use for them other than old material, for which their value is about 15 cents per pound. The guns weigh about 1,757 pounds each.

[See letter of January 25, 1908, below.]

WILLIAM CROZIER,
Brig. Gen., Chief of Ordnance, U. S. Army.

[Second indorsement.]

WAR DEPARTMENT, *December 20, 19*

Respectfully returned to the chairman Committee on Military Affairs, U States Senate, inviting attention to the foregoing report of the Chief of Ordn U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of W

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 25, 19

SIR: I have the honor to inform you that, upon careful examination of the re of this office, it is found that the 12-pounder guns in the possession of the Sta New Hampshire, and formerly comprising the equipment of the battery of National Guard of that State located at Manchester, referred to in Senate joint lution No. 28, are "light" guns, weighing 1,227 pounds each, and not "hea guns, weighing 1,757 pounds each.

This information is given you in response to telephonic request of your pri secretary two or three days ago.

Respectfully,

WILLIAM CROZIER,
Brig. Gen., Chief of Ordnan

Hon. HENRY E. BURNHAM,
United States Senate, Washington, D. C.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1267.

ALASKA-YUKON-PACIFIC EXPOSITION.

MARCH 18, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RODENBERG, from the Committee on Industrial Arts and Expositions, submitted the following

REPORT.

[To accompany H. R. 10530.]

The Committee on Industrial Arts and Expositions, to whom was referred the bill (H. R. 10530) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, reports the same with an amendment and with the recommendation that the bill as so amended do pass.

Strike out all after the title and substitute the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year nineteen hundred and nine, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided,* That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

SEC. 2. That there shall be exhibited at said exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and material of an historical nature as will serve to impart a knowledge of our national history, and especially of the history of Alaska, Hawaii, and the Philippine Islands, and that part of the United States west of the Rocky Mountains. There shall be exhibited from the Executive Departments of the United States such exhibits as will illustrate the function and administrative faculty of the Government and demonstrate the nature of our institutions and their adaptation to the wants of the people, special attention being given to such articles, materials, and exhibits as will most practically prove of educational value in connection with the development of commerce in the countries bordering upon the

Pacific Ocean; the preservation of forests; the reclamation and irrigation of arid and semiarid lands; the improving and enlarging of transportation facilities and the safeguards of navigation; and the economic value of the investigations and operations of the Government with reference to public health, patents, geology, weather, animal industry, plant industry, soils, entomology, experiment stations, coast and geodetic survey, and public roads. And the International Bureau of American Republics is hereby invited to make an exhibit of the resources of the American Republics, particularly with a view to establishing closer trade relations between the United States and said Republics, and space in any of the United States Government buildings shall be provided for this purpose. To secure a complete and harmonious arrangement of such Government exhibit a United States Government board of management is hereby created, to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several Departments, the Secretary of the Smithsonian Institution and Keeper of the National Museum, the Librarian of Congress, and the Director of the International Bureau of American Republics may respectively decide shall be embraced in said Government exhibit. And said Government board is hereby authorized to rent and use such building or buildings in the District of Columbia as may be necessary in the preparation of said exhibit. The President of the United States may also designate additional articles for exhibition. Said Government board shall be composed of one person to be named by the head of each of the Executive Departments, one by the head of the Smithsonian Institution and National Museum, one by the Librarian of Congress, and one by the Director of the International Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired army or navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Alaska-Yukon-Pacific Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created. The Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for this purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States. The Secretary of Commerce and Labor is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, in such building or aquarium as shall be allotted for this purpose, a complete exhibit of the fish and fisheries of the United States, paying special attention to the fish and fisheries of the Pacific Ocean, with a view to demonstrating, in the fullest manner possible, the economic value of such fish and fisheries: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and for rent of building or buildings in the District of Columbia, shall not exceed the sum of two hundred and fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to aid the people of the district of Alaska and of the Territory of Hawaii in providing and maintaining appropriate and creditable exhibits of the products and resources of

Alaska and Hawaii at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Territories at said exposition: *Provided*, That the total expenditure for said exhibit for said district of Alaska on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of one hundred thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided further*, That the total expenditure for said exhibit for the Territory of Hawaii on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited shall not exceed the sum of fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the Secretary of War is hereby authorized and directed to aid the people of the Philippine Islands in providing and maintaining an appropriate and creditable exhibit of the products and resources of the Philippine Islands at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Philippine Islands at said exposition: *Provided*, That the total expenditures for said exhibit on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 5. That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of said Alaska-Yukon-Pacific Exposition for said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the district of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings, including the preparation of ground therefor and the approaches thereto, and the interior and exterior decorative wiring and lighting thereof shall not exceed the sum of three hundred thousand dollars, which sum or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the State of Washington or to the Alaska-Yukon-Pacific Exposition corporation or to the city of Seattle to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

SEC. 6. That the allotment of space for exhibitors in the building or buildings erected under authority of this Act for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands shall be done and performed without charge to exhibitors by the Government board created by this Act.

SEC. 7. That dies for medals bearing appropriate devices, emblems, and inscriptions commemorative of said Alaska-Yukon-Pacific Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of trustees of Alaska-Yukon-Pacific Exposition, a corporation, subject to the provisions of the fifty-second section of the coinage Act of eighteen hundred and ninety-three, and upon the payment by said Alaska-Yukon-Pacific Exposition of a sum not less than the cost thereof; said medals shall be coined by the coining press located in and being part of the Government exhibit, and without cost to the Alaska-Yukon-Pacific Exposition: *Provided*, That said Alaska-Yukon-Pacific Exposition shall furnish free of charge the electric power necessary to operate said coining press and all provisions of law against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this Act. Said Alaska-Yukon-Pacific Exposition shall furnish without cost to the United States all materials used by the printing and engraving presses exhibited by the Government at said exposition in the production of the usual souvenirs of appropriate design, and said Alaska-Yukon-Pacific Exposition is hereby

authorized, through any agent, employee, privilege holder, or concessionnaire appointed by its proper officer, to vend and sell at or near the place of manufacture any medal, print, or engraving authorized under the provisions of this Act: *Provided*, That the vending and selling of all such medals, prints, and engravings shall be subject to the approval of the Secretary of the Treasury.

SEC. 8. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the construction of the building or buildings hereinbefore authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government and for the employment of proper persons as officers and assistants by the Government board created by this Act, and for other expenses, and for the maintenance of said building or buildings and other contingent expenses to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this Act shall be made until the president of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of Alaska-Yukon-Pacific Exposition (a corporation), by responsible parties, contributions, donations, and appropriations, from all sources, aggregating a sum not less than one million dollars. *Provided*, That no appropriation made by any State or Territory, and no appropriation herein made, shall be considered as any part of said million dollars.

SEC. 9. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said Alaska-Yukon-Pacific Exposition (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses, of any kind or nature whatever, attending such exposition corporation, or accruing by reason of the same.

SEC. 10. That nothing in this Act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

SEC. 11. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the Alaska-Yukon-Pacific Exposition or for the benefit of said exposition or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

SEC. 12. That as a condition precedent to the payment of the appropriations herein provided for the Alaska-Yukon-Pacific Exposition shall contract with the Secretary of the Treasury to close the grounds of the said exposition to visitors on Sundays during the period of said exposition.

As amended, the committee recommends that the bill be passed. The Alaska-Yukon-Pacific Exposition is incorporated under the laws of the state of Washington, and the exposition is to be held at the city of Seattle. This proposed exposition deals not merely with the States of the Pacific slope, but also with Alaska, the Yukon territory, British Columbia, the Philippines, and Hawaii. Its object is to demonstrate the progress and the resources of the entire region of the Pacific and to forecast the future possibilities of the oriental trade. The Alaska-Yukon-Pacific Exposition is of peculiar interest among enterprises of this character in that it deals with the resources not only of the Pacific territories of this country, but also with the Canadian territory of the Yukon, thus affording the unusual spectacle of different territories under different flags joining forces and uniting in interest. Yukon territory and British Columbia, both of them under the Dominion government, are both of them to be as much a part of the exposition as are Alaska, Hawaii, and the Philippines,

under the Government of the United States—a situation expressive of harmony and good will and international comity and speaking much for the continuance of the amicable relations between us and our English-speaking neighbors. It is estimated that 7,500,000 persons live in the section of the country in the United States and Canada within a radius of 1,000 miles of Seattle, all of whom are directly interested in this exposition, as an opportunity to show their material wealth and development. The President in his message at the beginning of the Fifty-ninth Congress, referring to the needs of Alaska and the scope of the Alaska-Yukon-Pacific Exposition, said:

Our fellow-citizens who dwell on the shores of Puget Sound with characteristic energy are arranging to hold in Seattle the Alaska-Yukon-Pacific Exposition. Its special aims include the upbuilding of Alaska and the development of American commerce on the Pacific Ocean. This exposition, in its purposes and scope, should appeal not only to the people of the Pacific slope, but to the people of the United States at large. Alaska since it was bought has yielded to the Government $11,000,000 of revenue and has produced nearly $300,000,000 in gold, furs, and fish. When properly developed it will become in large degree a land of homes. The countries bordering the Pacific Ocean have a population more numerous than that of all the countries of Europe; their annual foreign commerce amounts to over $3,000,000,000, of which the share of the United States is some $700,000,000. If this trade were thoroughly understood and pushed by our manufacturers and producers, the industries, not only of the Pacific slope, but of all our country, and particularly of our cotton-growing States, would be greatly benefited. Of course, in order to get these benefits, we must treat fairly the countries with which we trade.

In the message at the beginning of the Sixtieth Congress, the President said of the Alaska-Yukon-Pacific Exposition:

The courage and enterprise of the citizens of the far Northwest in the projected Alaska-Yukon-Pacific Exposition, to be held in 1909, should receive liberal encouragement. This exposition is not sentimental in its conception, but seeks to exploit the natural resources of Alaska and to promote the commerce, trade, and industry of the Pacific States with their neighboring States and with our insular possessions and the neighboring countries of the Pacific. The exposition asks no loan from the Congress, but seeks appropriations for national exhibits and exhibits of the western dependencies of the General Government. The State of Washington and the city of Seattle have shown the characteristic Western enterprise in large donations for the conduct of this exposition, in which other States are lending generous assistance.

The management of the exposition has not asked the Government to give the exposition any money or to loan it any money. It asks only that the Government may participate in the exhibition. A statement is incorporated in the bill that hereafter no loan will be asked and no money received.

The committee was strongly impressed by the action of the people of the State of Washington and of the city of Seattle toward making the fair a success. Beautiful and suitable grounds for the exposition have been secured on the campus of the State University. The securing of these grounds will reduce real-estate speculation to a minimum. Over $350,000 has already been expended in preparing these grounds and in advertising the exposition. The State of Washington has appropriated for the exposition $1,000,000. The counties in the State have given $278,000. The citizens of Seattle subscribed in one day $625,000, and have already paid of this subscription over $425,000. In all, the people of Washington have given $2,000,000 and have asked only that the Government give $750,000 for the purpose of participating therein. Of this $750,000, however, it should be remembered that $50,000 is for a Philippine exhibit, $50,000 for a Hawaiian exhibit, and $100,000 for an Alaskan exhibit.

ALASKA.

It is the unanimous desire of the people of Alaska to participate in the Alaska-Yukon-Pacific Exposition, but she has no way to raise money for this purpose. The Government taxes Alaska and Alaska has paid to the Government more than $11,000,000. The products taken from Alaska since she became our territory have been over $300,000,000. It has given us over $125,000,000 in gold. The present annual output of gold is more than $20,000,000. The value of the salmon pack for 1907 will exceed $12,000,000. The codfish banks are beyond comparison the greatest in the world. The Government expert sent to investigate these banks states in a report that there are 1,000 codfish in the waters of Alaska for every one ever in the Atlantic Ocean.

The Alaska coal fields, according to Government reports, are among the greatest of North America, and the quality of its coal is equaled only by that of Pennsylvania. Alaska copper mines are of recent discovery and are probably the greatest on the globe. It also has assets of great value in its big game and in its furs. Its forests are a resource that will in a few years be of immense value. Its agricultural possibilities are extensive and are just beginning to be investigated and understood. The vast resources of Alaska are little known and practically untouched. No one can measure and no one can exaggerate the undeveloped wealth of Alaska. It has seemed to the committee that there should be no hesitancy, in view of these facts, on the part of Congress in giving Alaska $100,000 for the purpose of making a demonstration of her resources, and especially is this so, as she has paid to the Government so much and has received from the Government so little in return and as she has no way to raise money for herself.

HAWAII.

Hawaii pays annually to the General Government $1,000,000. She has asked some of this money—a small portion of it—to make an exhibit at this exposition. Hawaii is to-day cramped and retarded in her development by want of capital and of people. This great handicap is due almost entirely to a lack of information of the world at large of the resources and opportunities of these islands. If the people of the United States knew these opportunities, population and money would soon find their way there. As her people want to participate in this exhibit and as the committee thinks it would mean much, not only to Hawaii, but to the nation, the committee believes that Hawaii should have at least $50,000 for this purpose.

PHILIPPINES.

The resources of the Philippines are little known to the people of this country. They have great mineral resources. They have tremendous agricultural possibilities. They have vast forests of rare and beautiful wood. Of their people, their capabilities, their accomplishments, and of the resources of their country even we in the United States know practically nothing. The Government should help the Philippines to make a creditable exhibit, one especially that would ow the commercial opportunities and the commercial resources of

the islands. There is capital in this country ready to go to these islands and to develop them if the facts concerning them can only be brought to its attention. The committee feels entirely justified in asking an appropriation of $50,000 for the Philippines.

IMPORTANCE OF THE PACIFIC.

Not only will the fair promote harmony and good will with our English-speaking neighbors on the north, but it will tend to strengthen national comity and give closer relations with all nations on the Pacific, and especially with the countries of the Orient. The great future commercial development of this country will almost certainly be upon the Pacific. Since we acquired Hawaii and the Philippines our interest on that ocean has become of vital importance to the nation. Now is a critical period in our history in regard to securing oriental trade and in the matter of securing the good will and attracting the attention of oriental nations. An exposition such as the one proposed to be held at Seattle will be of greatest value in showing to these countries the interest they have in us and the interest we have in them. Japan is to give a great exposition in 1912, and we will undoubtedly participate in that exposition, and Japan will undoubtedly participate in the exposition at Seattle. These two expositions will bring these two great nations on opposite sides of the Pacific together in a way that will prove of greatest benefit to both. The primal object of this exposition is to stimulate trade upon the Pacific and to still further strengthen the friendly relations with the other nations upon this greatest ocean.

WILLIAM A. RODENBERG.
JOSEPH HOWELL.
JAMES M. MILLER.
CHARLES N. BRUMM.
EDWIN W. HIGGINS.
CYRUS DUREY.
JOHN M. NELSON.
JOEL COOK.
JOHN W. LANGLEY.
HARRY L. MAYNARD.
GEORGE S. LEGARE.
HENRY M. GOLDFOGLE.
JOSEPH L. RHINOCK.
COURTNEY W. HAMLIN.
LE GAGE PRATT.

VIEWS OF THE MINORITY.

The undersigned, a minority of your committee, believes that appropriation should be made in aid of the Alaska-Yukon-Pac Exposition.

Whether or not it ever was desirable for the United States to such undertakings is an open question. At all events, the people h become tired of expositions, and it is time to put a stop to Gove ment aid.

So far as the merits of this particular proposition are concerned must be admitted that in proportion to the amount subscribed loca the financial aid asked of the Government is of noticeably mod proportions. The undersigned, nevertheless, recommends that n be given.

March 4, 1908.

AUGUSTUS P. GARDNER,
Chairman

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1270.

SALE OF CERTAIN INDIAN SCHOOL LAND IN OKLAHOMA FOR TOWN-SITE PURPOSES.

MARCH 18, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 4922.]

The Committee on the Public Lands, to whom was referred the bill (S. 4922) for the sale of certain Indian school lands in Oklahoma for town-site purposes, having examined the same carefully and after having examined the report of the Department of the Interior, the Indian Office, and the local Indian agent, report the bill favorably without amendment.

The following correspondence concerning said bill are herewith set out at length, which includes the favorable report of the Interior Department:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1908.

SIR: I am in receipt of your letter of February 5, 1908, inclosing a copy of S. 4922, entitled "A bill providing for the platting and selling of the south half of section thirty, township two north, range eleven west of the Indian meridian, in the State of Oklahoma, for town-site purposes." You request the opinion of the Office on the bill.

The lands which it is proposed under S. 4922 to be surveyed into lots and blocks and sold under the provisions of section 2381 of the Revised Statutes are a part of the lands set apart for the use of the Fort Sill Indian School, Okla.

The bill provides for the reservation of a public park, two school parks, and the erection of two suitable school buildings out of the proceeds arising from the sale of the lands, the remainder of the proceeds to be converted into and become a part of the fund belonging to the Comanche, Kiowa, and Apache tribes of Indians. You estimate that the gross proceeds would amount to $200,000.

Under date of January 20, 1908, the United States Indian agent in charge of the Kiowa Agency reported favorably on the intended sale, and said that the Fort Sill Indian School would have sufficient land for its use without this tract. As the lands are not needed for the Indian School, and as the provisions of the bill are favorable to the Indians, it has my hearty approval.

It is observed, however, that the bill provides for the sale in accordance with section 2183 of the Revised Statutes, and as that section is not applicable to the sale of lands for town-site purposes, and as section 2381 is applicable, I suggest that the bill

be amended by striking out the words "twenty-one hundred and eighty-three, line 5, page 1, and that the words "twenty-three hundred and eighty-one" be inse after the word "section" in lines 4 and 5 of page 1.

It is observed also that no provision is made in the bill as to how the expense the sale should be paid. This being essential, I suggest that the words "after ded ing the expenses necessary to carry out the provisions of this act" be inserte line 14, page 1, after the word "proceeds."

With these amendments I would recommend that the bill receive favorable sideration.

Very respectfully,

F. E. LEUPP,
Commissione

Hon. T. P. GORE,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 30, 190

SIR: As a further answer to your letter of January 8, 1908, you are advised the agent in charge of the Kiowa Agency, under date of January 20, recommen that the S. ½ of sec. 30, T. 2 N., R. 11 W., adjoining the town of Lawton, Okla. platted into town lots and appraised and sold to the highest bidder, because he i the opinion that the Indian school will have sufficient land for its purposes with this tract.

You are therefore advised that if you see fit to introduce a measure in the C gress by which this can be done, the Office will be pleased to express its vi thereon if given an opportunity. It is suggested that the land should be platted sold under the provisions of the Revised Statutes governing the sale of town sites, in all fairness the money derived from such sale belongs to the Indians of the Kio Comanche, and Apache tribes.

Very respectfully,

F. E. LEUPP,
Commissione

Hon. T. P. GORE, *United States Senate.*

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1272.

TO EXTEND PROVISIONS OF MINING LAWS TO CERTAIN LANDS IN BITTER ROOT VALLEY, MONTANA.

MARCH 18, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. PRAY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 206.]

The Committee on the Public Lands, to whom was referred Senate bill 206, having duly considered the same, respectfully submit the following report:

The report of the Committee on Public Lands of the Senate, hereto appended, is adopted and the passage of the bill is recommended.

[Senate Report No. 143, Sixtieth Congress, first session.]

The Committee on Public Lands, to whom was referred the bill (S. 206) to extend the provisions of the mining laws to certain lands in the Bitter Root Valley, Montana, having had the same under consideration, beg leave to report the bill back with recommendation that it pass, with certain amendments.

By the report of the Secretary of the Interior, hereto attached, it appears that under the laws opening the lands to exploration and entry no provision was made for mineral locations or entries. Notwithstanding such omissions in the law, the Department for many years permitted such entries to be made and patents to issue therefor. Afterwards it was discovered that these patents had been erroneously allowed, but the same were validated by an act passed at the second session of the Fifty-eighth Congress. (See Report 895 on H. R. 6787, 2d sess. 58th Cong.)

The legislation only affected those mining entries in the Bitter Root Valley, where patent had already issued. At this time there are very many valuable mining locations in this territory and several applications for patents for mining claims which, under the law, can not be passed to patent. Much hardship has followed this unfortunate situation, and we believe the proposed legislation to be most equitable.

Your committee recommend the following amendment:

In line 5 strike out the words "all the" and insert in lieu thereof "the undisposed of."

After the word "seventy-two" add:

"*Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service."

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 190

SIR: I have the honor to submit, in compliance with your request of Januar 1908, my report on Senate bill 206, Sixtieth Congress, first session, entitled "A to extend the provisions of the mining laws of the United States to certain la situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Fork of the Bitter Root River."

The act of June 5, 1872 (17 Stat., 227), provides that 15 townships in the Bi Root Valley lying above the Lo Lo Fork of the Bitter Root River be opened for posal to actual settlers. The act was amended by the act of February 11, 1874 Stat., 15), by extending to the settlers on the lands the benefit of the homestead

In the case of Dayton and Freeman and other placer claims (35 L. D., 444) held that mineral lands within the 15 townships are not subject to disposition un the mining laws, and this office in the case of Maria T. Higgins et al. *v.* Rober Harper, contest 1895, held June 15, 1905, that mineral lands could not be taken un the acts of 1872 or 1874, supra.

For a history of legislation and Department decisions affecting these lands, re ence is made to Report No. 895, House of Representatives, Fifty-eighth Congr second session.

The 15 townships contemplated for disposal under the act of 1872 are defined b map approved by the Department April 14, 1894 (29 L. D., 90). While the decisi as to just what constitute the boundaries have not been uniform, this map is accep by the later rulings. (Eberhard, 19 L. D., 532, and Hackett, 28 L. D., 305.)

The records of this office show that mining claims have been laid upon these la

Small areas in several of the townships falling within the operations of the posed act have been withdrawn, on the request of the Secretary of Agriculture, f all forms of entry or appropriation, the tracts being desired for the use of the Fo Service.

It is suggested that the proposed bill be amended by striking out the words " the," in line 5, and inserting in lieu thereof the words "the undisposed of," and the following proviso be added:

"*Provided*, That this act shall not be applicable to lands withdrawn for admi tration sites for use of the Forest Service or other public use."

The bill and accompanying report are inclosed.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretar*

Hon. H. C. HANSBROUGH,
Chairman Senate Committee on Public Lands, United States Senate.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1273.

REQUEST FOR INFORMATION RELATIVE TO AUTHORITY FOR GOVERNMENT OF PANAMA CANAL ZONE.

MARCH 19, 1908.—Ordered to be printed.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. Res. No. 296.]

The Committee on Interstate and Foreign Commerce, to whom was referred the resolution (H. Res. No. 296) requesting the President of the United States to furnish certain information relative to the Panama Canal Zone, having considered the same, report thereon with a recommendation that it pass.

O

5TH CONGRESS. 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. [illegible]

OBSOLETE SPRINGFIELD RIFLES, ETC., FOR OLD GUARD OF COLUMBUS, OHIO.

MARCH [illegible], 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KAHN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 4780.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards, report the same back to the House with the recommendation that it pass with the following amendments:

After the word "State" in line 3 insert the words "the Old Guard of".

Strike out the words "[illegible]" in line 4 and insert in lieu thereof the words "[illegible], Ohio."

Strike out the word "veterans" in line 5 and insert in lieu thereof the words "[illegible]".

Strike out the "[illegible] organization" in line 8.

The [illegible] of veterans of the civil [illegible] firing salutes over the [illegible] on patriotic occasions [illegible], and are in every way [illegible] of over [illegible] year [illegible] of this character in [illegible]

[illegible] equipment from the State of [illegible] and in view of the [illegible] services which these [illegible] of the civil war, Congress [illegible] stands of arms which [illegible] and which are being sold at [illegible] and for which it is understood the Government receives not more than 30 cents per arm.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1275.

LOAN OF TENTS TO NATIONAL CONVENTION OF BENEVOLENT AND PROTECTIVE ORDER OF ELKS AT DALLAS, TEX.

MARCH 19, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 155.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 155) authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks, to be held at Dallas, Tex., in July, 1908, report the same back to the House with the recommendation that it do pass.

The foregoing resolution provides for the loaning of certain tents to the Benevolent and Protective Order of Elks to be used at their national encampment at Dallas, Tex., in July, 1908.

This loan of tents is in the discretion of the Secretary of War and is to be without expense to the Government, and a good and sufficient bond is to be given for safe return of the property, and your committee see no reason why the tents should not be used for this purpose, if available, in view of the fact that similar resolutions for other societies have heretofore been enacted.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1276.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

MARCH 19, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GRONNA, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 553.]

The Committee on the Public Lands, having had under consideration the bill (S. 553) for the relief of certain homestead entrymen, report the same back with the recommendation that it be amended by striking out all after the enacting clause and inserting the following in lieu thereof:

That no homestead entry heretofore made under the provisions of section two of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June fifth, nineteen hundred, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June fifteenth, eighteen hundred and eighty (twenty-one Statutes, two hundred and thirty-seven). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June fifteenth, eighteen hundred and eighty, is not entitled to the benefits of the act of June fifth, nineteen hundred, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the act of June fifteenth, eighteen hundred and eighty, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

On June 15, 1880, an act entitled "An act relating to the public lands of the United States" was approved, under which certain homestead settlers were allowed to commute their entries upon the payment of $1.25 per acre, and on June 5, 1900, an act was approved entitled "An act for the relief of the Colorado Cooperative Colony, to permit second homestead entries in certain cases, and for other purposes," section 2 of which allowed those who prior to the passage of that act had commuted homesteads under the provisions of section 2301 of the Revised Statutes of the United States to make a second homestead entry, provided that they resided upon the second entry for the full term of five years and complied with all the other provisions of the homestead law.

From time to time, subsequent to the passage of the last-named act local land officers allowed persons who had commuted entries under the first-named act to make a second entry under section 2 of the last-named act. This action of the local officers was not warranted by the law, as section 2 of the act of June 5, 1900, clearly limited the rights thereunder to those who had commuted under section 2301 of the Revised Statutes, but these entrymen clearly considered themselves, and were considered by the local land officers, to be entitled to the benefits of the latter act and continued to reside upon, improve, and cultivate their land. When such entrymen came to make final proof, however, the Interior Department held that they were not entitled to the lands covered by their entries, and in some cases the entries were canceled, and in a number of cases the entries are still pending.

In two instances in the present Congress entries made as above described have been perfected by special acts, and it is deemed best to pass a general provision under which the few remaining entries may be perfected and confirmed rather than to pass a special law in each case as presented.

As the equities of the entrymen are so clear there seems to be no question but that their entries should be confirmed. There is attached hereto and made a part of this report a letter from the Secretary of the Interior on the Senate bill approving the same with some suggestions of amendment.

The committee believes that the substitute more clearly expresses the intent of the legislation than the Senate bill, and is therefore substituted for the same.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1908.

SIR: I have by your reference for consideration Senate bill No. 553, entitled "A bill for the relief of homestead entrymen," with a request for an expression of the views of this Department thereon.

The act of June 15, 1880 (21 Stats., 237), authorized the purchase of lands by certain homesteaders and the act of June 5, 1900 (31 Stats., 267), granted the right of second homestead entry to persons who had prior to that date purchased under the commutation provisions of the homestead laws.

Many persons who purchased under the act of 1880 made second entries under the act of 1900, believing that they came within the terms of its provisions, and these entries, after proof by the entrymen of their compliance with the law entitling them to patent, have been canceled for the reason that purchasers under the act of 1880 did not come within the provisions of the act of 1900.

The bill now before me proposes to afford relief to entrymen of this character by reinstating their canceled entries in all cases where adverse rights have not attached to the lands formerly claimed by them, and, in my judgment, should receive favorable action.

The bill should, however, in my judgment, be amended by the incorporation of certain needed limitations to read as follows:

"That no homestead entries heretofore made shall be canceled for the sole reason that persons who made such entries have, under the act entitled 'An act relating to public lands,' approved June fifteenth, eighteen hundred and eighty, purchased lands formerly entered by them, and all entries heretofore canceled on that ground may be reinstated upon a showing by the entryman or his heirs, *within one year from the approval of this act*, that there are no valid grounds for the cancellation of such entries in all cases where valid adverse rights have not attached to the lands covered by such entries since the dates of their cancellation, *but this act shall not be construed as validating or authorizing the reinstatement of any entry made under sections twenty-three hundred and six and twenty-three hundred and seven of the Revised Statutes of the United States, and the commutation* provisions of the homestead *laws shall not apply to any entry made or reinstated* under the provisions of this act."

The words "or hereafter" in line 3 of the bill have been omitted and the words in italic have been added.

The bill as thus amended would fix a definite time within which reinstatement should be applied for, and the words added to the bill will prevent the confirmation of a large number of soldiers' additional claims which were improperly asserted. It is also believed that persons whose second entries are confirmed and reinstated under this act should not receive the benefits of the commutation provisions of the homestead law, since the right of commutation was not given to persons who made second entries under section 2 of the act of June 5, 1900 (31 Stats., 267).

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1277.

REQUEST FOR INFORMATION NOT YET MADE PUBLIC IN REFERENCE TO CORPORATIONS, ETC., ENGAGED IN INTERSTATE AND FOREIGN COMMERCE.

MARCH 20, 1908.—Ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

ADVERSE REPORT.

[To accompany H. Res. No. 302.]

The Committee on Interstate and Foreign Commerce, to whom was referred House resolution 302, having considered the same, beg leave to report said resolution back to the House, with the recommendation that it do lie upon the table.

The resolution is as follows:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to the House all such information and data in reference to the organization, conduct, and management of all corporations, joint stock companies, or corporate combinations engaged in commerce among the several States and with foreign nations as may have been reported to the President by the Commissioner of Corporations, Department of Commerce and Labor, under the provisions of the act of February fourteenth, nineteen hundred and three, creating the Department of Commerce and Labor, that has not yet been made public by the President.

Section 6 of the act of February 14, 1903, creating the Department of Commerce and Labor, provides for a Bureau of Corporations in that Department, to be presided over by a Commissioner of Corporations. The section provides:

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company or corporate combination, engaged in commerce among the several States and with foreign nations, excepting common carriers subject to "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct, shall be made public.

The same section also provides—

It shall also be the province and duty of said Bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

In order to carry out the first provision of the section in regard to *collecting information*, the Commissioner of Corporations is given the

same power in regard to corporations that the Interstate Comm Commission enjoys as to corporations engaged in interstate comme and in order to further carry out the same provisions of the sect requiring the Commissioner to make diligent investigation into organization, conduct, and management of the business of corporatio etc., the Bureau of Corporations is authorized, under the direction the Secretary of Commerce and Labor, to gather, compile, publi and supply useful information concerning corporations, etc.

It will be noted that the information acquired by the Commissior of Corporations in making investigation into the organization, c duct, and management of the business of corporations is for the spec purpose of enablin President to make recommendations to C the so gathered shall be publish gress for legislation, and the information only so far as the President may direct. islation that a lar ch would be us amount of information and data might be secured wh useful only f less to publish in its original form and which would be ched bas compilation and to be published in the form of results re Congre upon such data and information. It was also assumed by to t that in many cases trade secrets might properly be disclose s an Bureau of Corporations to be used in making up general resu ls which ought properly not to be disclosed to the public. It was assumed by Congress that it might often be desirable to obtain cer classes of secret information which would be valuable by compu general results and averages, but which the corporations would unwilling to disclose if the specific information in each case was t made public. Much information has been obtained by the Bureau Corporations which the Government of the United States proba could not possibly have forced from such corporations.

The investigations by the Commissioner of Corporations have tended over a wide field. Up to the present time there have b published the following reports of the result of the investigations that Bureau:

Report on the Beef Industry.
Report on the Transportation of Petroleum (the rebate system of the Stand Oil Company).
Report on the Petroleum Industry, Part I, being the position of the Stand Oil Company in the petroleum industry.
Report on the Petroleum Industry, Part II: Prices and Profits in the Petrole Industry.
Reply to the allegations of the Standard Oil Company in re The Alton Rel Case.

There have also been published special documents dealing with t recent amendments to the interstate-commerce law, as well as vari annual reports of the Commissioner, setting forth the general work the Bureau and giving expressions as to policies therein based u investigation and examination for the years 1904, 1905, 1906, and 1

The Bureau of Corporations now has in hand as current work following investigations:

Further work on the petroleum industry, especially conditions in for countries.
Iron and steel industry.
Lumber industry.
Operations of the cotton exchanges and their effect on prices.
Inland waterways and coastwise water carriers.
Patents held by Government employees on articles used by the Gover
International Harvester Company.

These investigations are in different stages of completion and are going on contemporaneously. When completed the report in each case will be submitted to the President, in accordance with the organic act of the Bureau, to be made public by him to such extent as the President may direct.

It will be appreciated that the reports of the Bureau, both those already published and those to be published, are in the main either conclusions or compilations of facts from a vast number of sources collected by the Bureau. The original data consist of papers, documents, interviews, letters, affidavits, court proceedings, trade journals, opinions of people interested, investigation of books, investigation of trade methods and reports thereon, and many other forms of information which constitute the original bases of the facts set forth in the reports. These original data are extremely voluminous in number and require for any sort of availability for public purposes careful and extensive digesting by the force of the Bureau.

Your committee are informed that these original data fill a very large number of file cases and would probably take up the entire space in an ordinary sized room. The Commissioner of Corporations estimates that they would probably exceed 100,000 pages.

To merely copy the information and data on file in the Bureau of Corporations would be an immense task. If it were sent to the House and not published, it would be valueless. If it were sent to the House and published, it would still be in the main valueless. So far as your committee has been informed, neither the President nor the Bureau of Corporations has declined to make public information upon any specific proposition which could possibly be of interest to the legislative branch of the Government or to the public.

The attitude of the Bureau of Corporations and of the President in reference to the control of corporations and the eradication of corporate abuses has been and is now of such character as to deserve and receive the warmest commendation. The passage of the resolution would be a direct reflection upon both the Commissioner of Corporations and the President, and your committee therefore respectfully recommend that the resolution do lie upon the table.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1278.

PURE SEED BILL.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13835.]

The Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13835) to regulate commerce in adulterated and misbranded seed and to prevent the sale or transportation thereof, and for other purposes, having had the same under consideration, beg leave to report the bill back to the House with a few minor amendments indicated in the reported bill, with the recommendation that the bill as amended do pass.

THE PROVISIONS OF THE BILL.

Section 1 of the bill makes it a misdemeanor to carry on interstate or foreign commerce in seed or bulbs which are adulterated or misbranded within the provisions of the act.

Section 2 provides that the term "seed" as used in the act shall include agricultural and horticultural seeds intended for seeding purposes.

Section 3 defines what shall be considered as adulterated seed for the purposes of the act and provides, among other things, that if seed purporting to be Kentucky blue grass seed contains seed of Canada blue grass, or if seed purporting to be red-clover seed contains yellow trefoil seed, and generally if any seed or bulbs purporting to be of one kind or variety contain another kind or variety similar in appearance or of lower market value, the seed shall be deemed to be adulterated, provided that no seed or bulbs shall be deemed adulterated within the meaning of this paragraph when accompanied by a statement or label giving the name and amount or proportion of each of the kinds or varieties of seeds or bulbs contained therein.

And provides, second, if red clover, alsike clover, alfalfa, or Egyp tian clover imported from a foreign country contain dodder seed, or if any imported seed contain weed seed, rendering it unfit for seeding purposes, it shall be deemed adulterated; and the same shall be true of seed intended for export to a foreign country, but this provision does not apply to domestic seed for use in the United States.

And provides, third, that if seed or bulbs imported from a foreign country contain dead seed or dead bulbs or matter materially reducing the value for seeding or planting purposes, the same shall be deemed adulterated, but this provision does not extend to domestic seed or bulbs intended for use in the United States.

intended for adulteration purposes in this country or which has been adulterated before importation.

The provisions of the bill which is reported are very strict as to the character of seed which is imported and also as to deliberate and willful adulterations of domestic seed, but do not apply harshly to seed raised in this country and which is not deliberately adulterated.

While the grossest abuses in the adulteration of seeds are most apparent in grass and forage crop seeds, yet the adulteration is found to pervade all sorts of agricultural, garden, floral and horticultural seed. The extent to which adulteration, usually called mixing or grading or some similar expression, is carried on, and sometimes by reputable seed houses, would hardly be imagined.

THE LAW OF CANADA.

By the Canadian Seed Control Act, 1905, it is provided that no person shall sell or offer, expose, or have in his possession for sale, for the purpose of seeding, any seed of cereals, grasses, clovers, or forage plants unless they are free from any seeds of certain named weeds, and there are various other provisions of the same act prohibiting the adulteration or misbranding of seeds.

Section 7 of that act provides that "the provisions contained in this act shall not apply to—

"(*d*) Seed marked 'not absolutely clean' and held or sold 'for export only.'"

The Canadian act therefore authorizes the handling and selling of unclean seed which may be held or sold for export only, while prohibiting the domestic sale or handling of the same character of seed.

STATE LAWS.

Some of the States have enacted legislation for the protection of seed. The following are samples of the few State laws which have been enacted:

[Laws of Florida, chapter 4754—No. 13.]

AN ACT In relation to the sale of garden, melon, and other vegetable seed in the State of Florida.

Be it enacted by the legislature of the State of Florida:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons, firm or firms, or anyone doing business in Florida, to sell or offer for sale any garden, melon, or vegetable seed unless the original package in which the same is enclosed or in which the seed are sold shall have written or printed thereon on the outside in plain letters a guarantee as to when, where, and by whom all such seeds were grown.

SEC. 2. Any person or persons violating the provisions of the first section of this act, or if falsely representing such seed, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 3. This act shall take effect upon its approval by the governor.

Approved May 19, 1899.

[Laws of North Carolina, session of 1891, chapter 331.]

AN ACT To protect seed buyers in North Carolina.

The General Assembly of North Carolina does enact:

SECTION 1. That any person or persons doing business in this State who shall sell seed, or offer for sale any vegetable or garden seed that are not plainly marked upon each package or bag containing such seed the year in which said seed were grown, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars or more than fifty dollars, or imprisoned not more than thirty days for each and every offence:

Provided, That the provisions of this act shall not apply to farmers selling seed in open bulk to other farmers or gardeners.

SEC. 2. That any person or persons who shall, with intention to deceive, wrong mark or label, as to date, any package or bag containing garden or vegetable see shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not le than ten nor more than fifty dollars, or imprisoned not less than ten nor more tha thirty days.

SEC. 3. That this act shall be in force from and after the first day of Septembe one thousand eight hundred and ninety-one.

EXAMPLES OF ADULTERATION.

The examination of seeds by the Kentucky Agriculture Experimen Station, under the provisions of the Kentucky pure-seed law, show that in several cases orchard-grass seed was adulterated with ol crushed oats. In one case 30 per cent of the seed consisted of ol crushed oats, and in another case 12 per cent.

Red-clover seed is frequently adulterated with yellow-trefoil seed This yellow-trefoil seed is imported for the specific purpose of adul terating clover and alfalfa seed. It is not used for planting purpose It costs at New York when imported about 5 cents per pound, and i used to adulterate clover and alfalfa seed, which usually sells in th neighborhood of 15 cents per pound.

In samples collected by the Department of Agriculture and in evi dence before your committee some alfalfa seed was found adulterate with 35 per cent of yellow trefoil. In another case alfalfa was adul terated with 45 per cent of Chilean burr clover. Chilean burr clove is a seed with burrs. These burrs get into the wool of the sheep i South America. When the wool is sent to Europe to be cleaned an manufactured the burr-clover seeds are combed out and saved and sen to the United States to be used as an adulterant of alfalfa seed. Th Chilean burr-clover can be purchased in Hamburg from $2 to $3 pe hundred pounds.

Yellow-trefoil seed has very much the appearance of clover or alfalf seed, but is somewhat bright in color and gives the adulterated seed nice clean-looking appearance, and, while easily detected by the exper when used for adulteration purposes, has a tendency to make th farmer purchasing the seed think he has obtained an especially goo quality of clover or alfalfa pure seed.

There were 67,090 pounds of yellow trefoil imported for the fisca year 1903; 246,299 pounds for the fiscal year 1904; 99,248 pounds fo the fiscal year 1905; 93,196 pounds for the fiscal year 1906.

There is no demand for the yellow-trefoil seed for planting and it i used only for adulteration purposes. The yellow trefoil when plante with clover or alfalfa is of absolutely no benefit to the farmer plant ing it.

KENTUCKY BLUEGRASS.

Kentucky bluegrass seed is one of the seeds that is most adulterated It is principally adulterated with Canada bluegrass seed, which is ver similar in appearance, but the two can be told apart when examine with a lens. Canada bluegrass seed sells on the market for not ove one-half the price of Kentucky bluegrass. There were 438,543 pound of Canada bluegrass seed imported for the fiscal year 1903; 747,23 pounds for the fiscal year 1904; 637,887 pounds for the fiscal year 190 762,8[illegible] pounds for the fiscal year 1906; 604,411 pounds for the fisc year 1907.

The Canada bluegrass seed is seldom sold to the planter by itsel and it is used mainly for the adulteration of Kentucky bluegrass see

The Kentucky bluegrass seed is worth about $17 per hundred pounds in the market and the Canada bluegrass about $7 to $8 per hundred pounds.

PRICES OF PURE SEEDS AND THEIR ADULTERANTS.

The following is a memorandum of some of the seeds which are adulterated, and their adulterants, together with the market price of the same:

		Market price.
Red-clover	per 100 pounds	$17.00
Yellow-trefoil, used as an adulterant of red-clover and alfalfa seed	do	5.00
Alfalfa	do	15.00
Bur-clover, used as an adulterant of alfalfa	do	2.50
Sweet-clover, used as an adulterant of alfalfa	do	7.00
Orchard-grass	do	15.00
Meadow-grass, used as an adulterant of orchard-grass	do	10.50
Rye-grass, used as an adulterant of orchard-grass	do	5.25
Kentucky bluegrass	do	17.00
Canada bluegrass, used as an adulterant of Kentucky bluegrass	do	8.00

GROCERY STORE SEEDS.

During the last year the Department of Agriculture made some examinations to test the germination of seeds such as are put up in small packets and usually found and sold in grocery and drug stores. There were 2,800 packets of seed tested. The average germination of the total samples tested was 62.2 per cent. These seeds were put up by 27 different seed houses and were of about as many different kinds of vegetable seed. The average germination of the seed put up by one seed house was only 37.3 per cent. The average germination of seed of another seed house was 43.3 per cent.

The seed in 200 of these packets germinated less than 10 per cent. They came from 21 different seed houses. The seeds in 62 of these packets were absolutely dead. They came from 13 different seed houses.

IMPORTED SEED.

The principal seeds which are imported to be used for purposes of adulteration are—

First. Yellow-trefoil, used in adulterating clover and alfalfa seed;

Second. Canada bluegrass, used for adulterating Kentucky bluegrass; and

Third. Low-grade clover and alfalfa screenings.

For the fiscal year 1906 there were imported 61 lots of low-grade clover seed, amounting to 990,809 pounds. This would be enough seed to sow approximately 125,000 acres at the average rate of seeding. This seed is for the most part small sized, low-grade screenings imported from Europe and not available for actual use except in the United States. A practical failure must be expected to the extent that seed of this quality is used either from not securing a stand on account of poor germination, or from smothering with weeds introduced with the seed. Tests by the Department of Agriculture of this low-grade clover seed show that in one lot of 1,102 pounds only 7.47 per cent was live clover seed. In another lot of 10,995 pounds the live clover seed was 8.31 per cent. In another lot of 25,300 pounds the *live clover seed* was 12.26 per cent. In another lot of 35,347 pounds

the live clover seed was 12.72 per cent. In another lot of 13,11 pounds the live clover seed was 15.18 per cent. In another lot 15,024 pounds the live clover seed was 16.65 per cent.

Red-clover seed is worth about $17 a hundred pounds. In one the imported lots tested the live red-clover seed (the only seed of valu in it) cost at the rate of $60.16 per hundred pounds; in another lo $56.56 per hundred pounds; in another lot, $47.95 per hundred pound

One lot of 3,374 pounds contained 43 different kinds of weed see Another lot of 10,787 pounds contained 56 different kinds of wee seed, as did also another lot of 22,000 pounds.

The average weight of 1,000 good plump red-clover seeds is 1½ gram or more. In more than one-half of the 61 lots of imported low-grad seed referred to the weight of 1,000 seeds is less than a gram. O these 61 lots of imported seed, the live red-clover seed averaged onl 43.1 per cent of the whole, and much of the seed which was alive wa worthless for seeding purposes, as, while it was alive, it was of suc small size and low vigor and so immature that it would not grow t plant size.

One of these imported lots contained 95,580 seeds of the blac seeded plantain to the pound, and the total of weed seeds to the poun in that lot was 144,450. In one lot of 13,380 pounds there were 126, 516 weed seeds to the pound. In another lot of 35,347 pounds ther were 97,580 weed seeds to the pound.

The 990,809 pounds of low-grade clover seed imported for the fisca year of 1906 contained an average of 51,597 weed seeds to the pound 13.71 per cent of the above importation consisted of broken seeds an dirt. The actual cost for the live clover seed at the prices named i the importations was $20.89 per hundred pounds.

During the fiscal year of 1906 there were analyzed 16 lots of lo grade imported alfalfa seed, amounting to 275,572 pounds. Of this one lot containing 32,275 pounds contained live alfalfa seed to th extent of 8.17 per cent. Another lot of 33,022 pounds contained 6.9 per cent of live alfalfa seed. At the price at which the last lot wa imported, the live alfalfa seed in the lot cost $37.55 per hundre pounds. This lot contained 20 different kinds of weed seeds.

DODDER.

Over 75 per cent of the low-grade clover and alfalfa seed importe in the fiscal year 1906 contained dodder seed.

Dodder is a parasitic plant deriving its food not from the soil, bu from the host plant to which it attaches itself. In this respect it i different from ordinary weeds. It starts from seed in the ground an develops a slender thread-like stem which twines around the hos plant, sending out from its stem suckers which enter the tissues o the host plant, upon which the dodder is subsequently dependent fo its food supply and its mechanical support. The dodder, therefore sucks the sap from the host plant. When the food stored in the see is exhausted, the dodder plant disconnects itself from the see in the ground, but having made close attachment to the hos plant, the dodder grows rapidly and soon becomes a tangled mass destroying the host plant both by taking its sap and by breaking i down from the weight of its luxuriant growth.

Dodder seed is not in its pure form used as a means of direct see adulterant, but it is a most common ingredient in low-grade seeds o

various kinds, and when such seed is used as an adulterant the dodder seed goes with it.

Dodder is becoming very prevalent throughout the country as a menace to both clover and alfalfa culture, and is everywhere attracting the attention and fear of farmers who are most careful in observation. While it may not be possible to obtain absolute freedom from dodder in some forage-crop seeds, the introduction of dodder seed in other seeds can be very much reduced. Dodder is especially dangerous as a pest of flax, clover, and alfalfa. Under the seed-control regulations which prevail in Europe, dodder seed is specially singled out as an impurity, and as a result much of the seed infested with dodder seed is sent to the United States instead of being used for planting in Europe.

The Department of Agriculture has published a special bulletin on the subject of Dodder in Relation to Farm Seed, known as "Farmers' Bulletin 306." But it is even more important to prevent the planting of dodder seed in connection with flax and clover than it is to furnish information about it.

ADULTERATION OF SEED OFFERED FOR SALE IN THE UNITED STATES.

During the calendar year 1907 the Department of Agriculture examined 1,217 samples of red-clover seed obtained in the open market, of which 405, or one-third, contained dodder seed and 424 contained yellow-trefoil seed. During the same year the Department examined 399 samples of alfalfa seed, of which 191 contained dodder seed and 135 yellow-trefoil seed. During the same year 429 samples of Kentucky bluegrass seed were examined by the Department, of which 110 contained Canada bluegrass seed in quantities exceeding 5 per cent, and 32 were Canada bluegrass seed misbranded as Kentucky bluegrass. Some samples marked "Strictly fancy Kentucky bluegrass" were found to be entirely Canada bluegrass. "Choice bluegrass" was found to be entirely Canada bluegrass. "Fancy bluegrass" was found to be 98.8 per cent Canada bluegrass. Another "Fancy Kentucky blue grass" was found to be 42.6 per cent Canada bluegrass. Another labeled "Pure Kentucky bluegrass" contained 32.08 per cent Canada bluegrass. Another marked "Fancy Kentucky bluegrass" contained 39.1 per cent Canada bluegrass. Another marked "Fancy Kentucky bluegrass" contained 52.7 per cent Canada bluegrass. One sample obtained from Colorado and marked "Strictly high-grade Government-test Kentucky bluegrass" contained 55.1 per cent Canada bluegrass. Another sample obtained in Michigan marked "XX Kentucky bluegrass" contained 5.72 per cent of Kentucky bluegrass, 19.56 per cent of wood meadow grass and timothy, and a large per cent of Canada bluegrass.

Another sample obtained in Connecticut marked "Genuine Kentucky bluegrass" consisted entirely of Canada bluegrass.

When it is considered that the expert can easily tell the different kinds of these seed with the aid of the microscope, it is perfectly apparent that fraud is being perpetrated in the sale of such adulterated and misbranded seed.

The following table shows the analyses made by the Department of Agriculture of 61 samples of low-grade red clover seed imported during the fiscal year ending June, 1906:

Analyses of 61 samples of low-grade red-clover seed imported during the year ended June 30, 1906.

No. of seed sample.	1 Red-clover seed.	2 Other seeds.	3 Dirt and broken seed.	4 Dodder present.[a]	5 Kinds of weed seeds.	6 Weight of 1,000 red-clover seeds.	7 Germination of red-clover seed.	8 Quantity imported.[b]	9 Price per 100 pounds at which seed was imported.	10 Live red-clover seed (seed that germinated) in sample.	11 Actual cost of 100 pounds of red-clover seed that germinated
	Per cent.	*Per cent.*	*Per cent.*		*Number.*	*Milligrams.*	*Per cent.*	*Pounds*		*Per cent.*	
2945	48.06	25.78	26.16	No	39	882	38	6,740	$5.20	18.26	$28.
2946	66.1	13.16	20.74	Yes	27	900	91	5,027	7.60	60.15	12.
2947	77.43	9.44	13.13	Yes	32	1,135	83	6,876	9.10	64.27	14.
3101	72.5	25.73	1.77	No	10	1,591	96.5	3,750	11.00	69.96	15.
3159	73.14	10.38	16.48	Yes	25	893	88.5	16,535	8.00	64.73	12.
3222	73.8	7.88	18.32	Yes	24	810	89	13,380	7.20	65.68	10.
3395	70.41	10.90	18.69	Yes	20	779	76.5	30,857	7.00	53.86	12.
3400	75.78	9.35	14.87	Yes	28	895	80	32,706	7.75	60.62	12.
3425	70.05	21.89	8.06	No	33	1,377	77.5	32,630	8.00	54.29	14.
3432	74.39	15.02	10.59	Yes	50	951	75.5	22,000	8.00	56.16	14.
3456	43.03	19.31	37.66	Yes	39	855	28.5	25,300	2.80	12.26	22.
3457	46.24	19.09	34.67	Yes	32	818	27.5	35,347	6.10	12.72	47.
3488	63.31	23.22	13.47	No	29	913	68	35,350	5.80	43.05	13.
3566	69.81	12.25	17.94	Yes	23	847	72	32,893	7.50	50.26	14.
3571	67.89	16.67	15.44	No	29	996	66.5	29,490	9.20	45.15	20.
3587	67.55	13.50	18.95	Yes	45	898	60.5	7,015	7.10	40.87	17.
3588	76.74	14.53	8.73	Yes	39	952	63.5	12,498	7.60	48.73	15.
3591	70.6	12.59	16.81	Yes	30	839	21.5	13,119	3.50	15.18	16.
3598	74.73	12.68	12.59	Yes	40	1,102	75.5	33,069	8.25	56.42	14.
3647	64.84	11.69	23.47	Yes	32	885	68	32,562	7.70	44.09	17.
3696	64.69	13.79	22.12	Yes	36	840	62.5	44,029	11.50	40.05	28
3721	72.55	20.67	6.78	No	19	1,143	75.5	32,523	7.60	54.77	13.
3755	65.65	18.48	15.87	No	33	885	52.5	6,500	5.50	34.47	15.
3810	65.52	19.23	15.25	Yes	23	977	48.5	15,588	6.40	31.78	20.
3811	57.3	22.81	19.89	Yes	45	1,021	42	15,506	5.60	24.06	23.
3816	64.58	10.27	25.15	Yes	31	886	60.5	32,116	7.62	39.07	19.
3831	77.43	7.70	14.85	Yes	28	1,087	66	33,159	9.60	51.12	18
3906	61.34	15.51	23.15	Yes	45	846	53	32,468	7.50	32.51	23
3945	67.04	17.10	15.86	Yes	36	891	67	12,474	8.50	44.91	18
3946	83.54	6.60	9.86	Yes	21	995	74	30,427	11.20	61.82	18.
3950	94.04	.95	5.01	Yes	12	1,357	44.5	1,576	9.50	41.85	22.
3960	94.15	1.77	4.08	Yes	19	1,552	69	11,288	9.90	64.96	15.
3962	97.15	.66	2.19	Yes	11	1,538	34	12,000	8.60	33.03	26.
3963	96.07	1.66	2.27	Yes	14	1,585	70	6,393	8.00	67.25	11.
3964	96.52	1.93	1.75	Yes	11	1,608	72	5,952	9.10	69.35	13.
3965	93.04	.27	6.19	Yes	9	1,422	15	2,425	4.50	14.03	32.
3967	95.04	1.20	3.76	Yes	17	1,404	48	7,937	7.60	45.62	16.
3994	46.49	32.08	20.43	Yes	41	909	17.5	10,995	4.70	8.31	56.
3999	79.67	10.32	6.61	No	17	1,292	72.5	750	12.00	60.22	19.
4000	85.85	8.02	8.31	Yes	42	1,179	46.5	11,150	8.20	38.9	21.
4010	64.04	17.07	18.89	Yes	41	835	26	15,024	5.80	16.65	34.
4029	66.29	17.78	15.93	Yes	20	870	86.5	4,000	14.20	59.33	23.
4029	84.23	2.79	3.98	No	11	1,582	65.5	10,818	8.80	61.72	14
4041	94.41	1.34	2.83	Yes	11	1,195	54.5	2,500	8.98	51.99	17.
4[illegible]	[illegible]	[illegible]	2.27	No	14	1,732	43.5	6,563	6.80	40.81	16.
4[illegible]	[illegible]	2.56	2.52	Yes	19	1,555	27.5	3,382	7.80	26.27	29
4[illegible]	[illegible]	1.23	3.[illegible]	Yes	17	1,367	53.5	2,372	7.70	51.16	15
4144	[illegible]	11.[illegible]	17.[illegible]	Yes	43	[illegible]	31.5	32,074	7.00	21.56	32
4054	[illegible]	.43	1.[illegible]	No	5	1,[illegible]	59.5	2,551	6.90	58.48	11
4063	[illegible]	.17	6.[illegible]	Yes	8	1,[illegible]	8	1,102	4.50	7.48	60
4[illegible]	[illegible]	[illegible]	12.7	No	15	1,[illegible]	50	453	4.00	39.30	10
4[illegible]	[illegible]	[illegible]	2.[illegible]	No	19	1,236	75.5	33,806	10.10	46.12	21.
4[illegible]	[illegible]	[illegible]	18.[illegible]	Yes	50	951	46	10,787	7.00	29.79	23.
4[illegible]	[illegible]	[illegible]	10.7[illegible]	Yes	25	1,010	60.5	2,923	7.50	44.79	16
4[illegible]	[illegible]	[illegible]	13.[illegible]	No	25	1,165	75.5	30,000	8.10	57.84	14.
4[illegible]	[illegible]	[illegible]	2.[illegible]	No	37	868	38	18,200	6.00	20.68	29
4[illegible]	[illegible]	[illegible]	22.[illegible]	Yes	48	926	55.5	22,046	6.12	34.16	17.
4[illegible]	[illegible]	[illegible]	2.[illegible]	Yes	27	926	75.5	1,851	7.70	46.08	16.
4[illegible]	[illegible]	17.[illegible]	[illegible]	Yes	19	963	54	22,046	6.12	31.34	19
4[illegible]	[illegible]	[illegible]	14.[illegible]	Yes	58	980	87.5	7,063	9.75	67.94	14
4[illegible]	[illegible]	[illegible]	10.[illegible]	Yes	43	1,010	29	6,178	6.00	21.11	28.
Average.	74.[illegible]6	12.[illegible]	13.82	.....	29.7	1,105.5	58.03	.....	7.61	43.16	20.

[a] 75.41 per cent of samples contained dodder.
[b] Total quantity of low-grade red clover seed imported, 900,800 pounds.

The following table shows analyses of five samples of high-grade red clover seed offered for sale during the fiscal year 1906:

Analyses of five samples of high-grade red clover seed offered for sale during the year ended June 30, 1906.

Number of seed sample.	Red-clover seed.	Other seeds.	Dirt and broken seed.	Dodder present.	Kinds of weed seeds.	Weight of 1,000 red clover seeds.	Germination of red clover seed.	Price per 100 pounds at which seed was offered for sale.	Live red clover seed (seed that germinated) in sample.	Actual cost of 100 pounds of red clover seed that germinated.
	Per cent.	*Per cent.*	*Per cent.*		*Number.*	*Milligrams.*	*Per cent.*		*Per cent.*	
36668	96.59	1.44	1.97	No	7	1,705	100	$15.00	96.59	$15.53
37427	98.54	.28	1.18	No	2	1,501	98.5	14.00	97.06	14.42
37440	98.42	.93	.65	No	7	1,531	97.5	14.75	95.96	15.37
37442	97.00	1.27	1.73	No	7	1,678	100	16.00	97.00	16.49
37443	98.10	.35	1.55	No	3	1,486	98	15.50	96.14	16.12
Average	97.73	.85	1.42	.....	5.2	1,580	98.8	15.05	96.55	15.58

The following table shows analyses of 16 samples of low-grade alfalfa seed imported during the fiscal year of 1906:

Analyses of sixteen samples of low-grade alfalfa seed imported during the fiscal year ended June 30, 1906.

Number of seed sample.	Alfalfa seed.	Other seeds.	Dirt and broken seed.	Dodder present.[a]	Kinds of weed seeds.	Weight of 1,000 alfalfa seeds.	Germination of alfalfa seed.	Quantity of seed imported.[b]	Price per 100 pounds at which seed was imported.	Live alfalfa seed (seed that germinated) in sample.	Actual cost of 100 pounds of alfalfa seed that germinated.
	Per cent.	*Per cent.*	*Per cent.*		*Number.*	*Milligrams.*	*Per cent.*	*Pounds*		*Per cent.*	
2929	84.56	3.52	11.92	Yes	18	1,704	79.5	10,208	$9.50	67.22	$14.13
2941	96.18	1.28	2.54	No	1	2,166	46	12,106	8.10	44.24	18.30
2942	88.58	1.98	9.44	Yes	14	1,890	53	7,797	7.90	46.95	16.83
2996	89.42	3.68	6.9	No	10	1,787	56.5	16,475	9.25	50.52	18.31
3002	88.06	3.24	8.7	No	12	1,866	52.5	32,439	9.40	46.23	20.33
3003	87.8	3.54	8.66	No	12	1,748	45	15,923	9.90	39.5	25.06
3047	90.46	3.97	5.57	Yes	14	1,757	58	16,610	10.25	52.47	19.53
3068	94.38	2.59	3.03	Yes	9	1,834	50	14,475	8.50	47.19	18.01
3082	91.01	4.33	4.66	Yes	15	1,622	63.5	16,632	10.25	57.79	17.73
3158	90.8	4.68	4.52	Yes	18	1,328	9	33,275	2.00	8.17	22.22
3393	94.63	1.77	3.6	Yes	17	1,753	73.5	16,500	10.13	69.55	14.56
3751	87.4	2.1	10.5	Yes	20	1,529	8	33,022	2.63	6.99	37.55
4132	82.02	6.18	11.8	Yes	23	1,032	77	5,610	7.50	63.15	11.87
4135	72.54	14.13	13.33	Yes	22	1,065	50	11,396	6.00	36.27	16.54
4232	63.85	16.79	19.36	Yes	26	1,037	58.5	3,844	5.00	37.35	13.39
4267	81.31	4.38	14.31	Yes	21	1,164	43.5	29,261	5.70	35.37	16.12
Average	86.44	4.89	8.68	.....	15.75	1,580	51.47	.....	7.63	44.31	18.78

[a] 75 per cent of the samples contained dodder.
[b] Total quantity of low-grade alfalfa seed imported, 275,572 pounds.

The number of seed in a pound of red-clover seed varies considerably, the size being to a large extent an indication of quality. In the average seed grown in the United States there are about 300,000 seed to the pound. English-grown seed is somewhat larger and has about 220,000 seed to the pound. Chilean-grown seed is still larger and averages about only 190,000 seed to the pound. In the low-grade red clover, which consists largely of screenings, the number of seeds to

the pound frequently runs up as high as 490,000. In this low-grad imported seed, as stated above, there are large quantities of wee seeds, and the following shows the number of weed seeds to the poun in various lots of red-clover seed imported during the fiscal year 1906:

NUMBER OF WEED SEEDS TO THE POUND IN SAMPLES OF LOW-GRADE RED CLOVER SEE IMPORTED DURING THE YEAR ENDED JUNE 30, 1906.

Sample No. 2945.—Black-seeded plantain, 95,580; lady's-thumb, 1,530; knotwee 90; spurge, 1,440; mayweed, 450; catmint, 180; green foxtail, 4,320; yellow foxtai 450; buckhorn, 1,890; bracted plantain, 540; chickweed, 270; curled dock, 1,26 bitter dock, 540; sorrel, 810; healall, 540; peppergrass, 360; wild carrot, 360; sma crab-grass, 6,480; crab-grass, 5,670; slender paspalum, 1,350; pennyroyal, 2,70 stink-grass, 90; yellow trefoil, 540; five-finger, 180; barnyard grass, 90; spiny sid 90; sedge, 90; three-seeded mercury, 270; vervain, 720; tumbling amaranth, 1,62 rough pigweed, 900; lamb's-quarters, 1,080; witch-grass, 7,470; spreading panicum 990; prickly lettuce, 90; other weed seeds, 3,420.

Total weed seeds to the pound, 144,450.

Sample No. 2946.—Buckhorn, 16,200; clover dodder, 38,160; wild carrot, 5,25 healall, 4,608; low hop-clover, 648; plantain, 72; sorrel, 2,808; yellow trefoil, 14 wild chicory, 432; vervain, 432; field camomile, 360; mayweed, 72; woodrush, 7 mouse-ear chickweed, 72; lamb's-quarters, 72; hawkweed picris, 72; round-leave toad-flax, 72; small-flowered crane's-bill, 216; bird's-foot trefoil, 72; other weed seed 1,728.

Total weed seeds to the pound, 71,568.

Sample No. 3101.—Green foxtail, 96,135; witch-grass, 1,020; plantain, 595; lamb' quarters, 425; yellow trefoil, 595; small crab-grass, 255; lady's-thumb, 170; three-seede mercury, 85; ragweed, 85; other weed seeds, 340.

Total weed seeds to the pound, 99,705.

Sample No. 3159.—Buckhorn, 24,130; Chilean clover dodder, 14,250; sorrel, 3,91 wild carrot, 3,910; healall, 3,825; yellow trefoil, 850; bird's-foot trefoil, 425; lamb' quarters, 340; wild chicory, 340; ox-tongue, 340; green foxtail, 170; mayweed, 17 field camomile, 170; hop-clover, 170; mouse-ear chickweed, 85; small crab-grass, 8 low hop-clover, 170; chickweed, 85; kidney vetch, 85; red pimpernel, 85; smal flowered crane's-bill, 85; saltbush, 85; other weed seeds, 595.

Total weed seeds to the pound, 54,360.

Sample No. 3422.—Buckhorn, 93,678; clover dodder, 15,132; healall, 6,084; wil carrot, 3,276; sorrel, 2,652; yellow trefoil, 1,716; black-seeded plantain, 546; lamb' quarters, 390; curled dock, 390; spurry, 390; bird's-foot trefoil, 312; vervain, 31 hop-clover, 234; saltbush, 156; lesser starwort, 156; mayweed, 156; white vervain, 7 chickweed, 78; ox-eye daisy, 78; green foxtail, 78; blue field madder, 78; peppe grass, 78; other weed seeds, 468.

Total weed seeds to the pound, 126,516.

Sample No. 3456.—Buckhorn, 36,982; wild carrot, 36,326; yellow trefoil, 2,05 wild chicory, 4,264; clover dodder, 4,592; field dodder, 656; vervain, 2,542; healal 1,968; low hop-clover, 82; sorrel, 984; curled dock, 410; hawkweed picris, 82 ox-tongue, 656; field camomile, 656; lamb's quarters, 574; red pimpernel, 492; gree foxtail, 410; black-seeded plantain, 164; lesser starwort, 164; Canada thistle, 82; nip plewort, 82; cat's-ear, 82; knotweed, 82; barnyard grass, 82; small crab-grass, 8 other weed seeds, 2,296.

Total weed seeds to the pound, 97,580.

Sample No. 3457.—Buckhorn, 35,700; wild carrot, 32,725; chicory, 4,845; clov dodder, 4,760; healall, 3,230; yellow trefoil, 1,785; sorrel, 1,105; lamb's-quarters, 85 green foxtail, 425; red pimpernel, 425; dodder, 425; field camomile, 340; ox-tongu 340; curled dock, 340; hawkweed picris, 255; knotweed, 255; cut-leaved crane's-bil 170; nipplewort, 170; black-seeded plantain, 170; mayweed, 85; lesser starwort, 8 bracted plantain, 85; spiny sow thistle, 85; other weed seeds, 5,015.

Total weed seeds to the pound, 93,070.

Sample No. 3696.—Yellow trefoil, [illegible]; clover dodder, 29,520; buckhorn, 12,21 wild carrot, 8,528; low hop-clover, 984; hop-clover, 410; healall, 5,330; sorrel, 7,62 curled dock, 164; lamb's-quarters, 2,132; vervain, 1,066; red pimpernel, 574; less starwort, 574; green foxtail, 574; mayweed, 246; field camomile, 246; wild chicor 164; kidney vetch, [illegible]; bird's-foot trefoil, [illegible]; spurry, 164; barnyard grass, 82; sma crab-grass, 82; blue field madder, 82; wood rush, 82; other weed seeds, 3,444.

Total weed seeds to the pound, 77,162.

Sample No. 3811.—Clover dodder, 18,700; buckhorn, 19,380; lamb's-quarters, 5,355; green foxtail, 4,080; sorrel, 3,315; wild carrot, 3,060; healall, 2,550; yellow trefoil, 1,360; saltbush, 1,190; wild chicory, 680; red pimpernel, 425; rabbit's-foot clover, 340; white campion, 170; ox-tongue, 170; hawkweed picris, 85; early winter cress, 170; Canada thistle, 85; mayweed, 85; field camomile, 85; bitter dock, 85; curled dock, 85; lady's-thumb, 85; knotweed, 85; kidney vetch, 85; chickweed, 85; sweet clover, 85; black-seeded plantain, 85; mallow, 85; spurry, 85; stick-tight, 85; blue field madder, 85; other weed seeds, 2,635.

Total weed seeds to the pound, 64,940.

AMOUNT OF SEED IMPORTED.

The amount of grass and forage-crop seed imported during the year ending December 31, 1906, as near as can be ascertained, is as follows:

Agrostis	62,615	Mixed grass seed	12,471
Alfalfa	2,988,900	Orchard grass	116,866
Ammophila	112	Paspalum dilitatum	1,800
Bermuda grass	24,676	Rape	1,602,816
Bluegrass, Canada	673,802	Rescue grass	400
Bluegrass, Kentucky	812	Wild rice	500
Clover, Alsike	1,361,325	Rough stalked meadow-grass	8,181
Clover, crimson	1,790,304	Rye grass, English	580,263
Clover, red	7,932,055	Rye grass, Italian	162,736
Clover, sweet	2,320	Sainfoin	224
Clover, white	9,924	Sweet vernal grass	15,675
Crested dog's tail	15,018	Timothy	103,213
Bromus inermis	38,653	Teosinte	600
Elymus	500	Wheat grass	1,500
Festuca	91,173	Wood meadow grass	12,563
Meadow foxtail	1,068	Vetch, hairy	23,107
Meadow oat grass	18,244	Vetch, spring	4,950
Millet, German	33,960	Yellow trefoil	93,196
Millet	140,022	Molinia	1,433

OPINION OF SECRETARY WILSON.

MARCH 7, 1908.

SIR: In response to your request I have considered the provisions of House bill 13835, introduced by you, "To regulate commerce in adulterated and misbranded seed," etc.

I am of the opinion that if the proposed bill becomes a law it will, in a large measure, remedy two conditions of the trade in agricultural seeds most needing improvement: (1) The importation into the United States of low-grade worthless seeds. (2) The sale of adulterated or misbranded seeds.

Very respectfully,

JAMES WILSON,
Secretary.

Hon. J. R. MANN,
House of Representatives.

The following statements are quotations from the catalogues, order blanks, or seed-package labels taken from various exhibits of such catalogues, etc., which were before the committee. These quotations probably fairly represent the attitude of, and the safeguards adopted by, the various responsible seedsmen of the country.

NONWARRANTY CLAUSES.

Peter Henderson & Co. give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, or plants they send out, and they will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned.—Peter Henderson & Co., New York City.

Most of the failures with seeds, plants, and bulbs are due to causes entirely beyond our control, such as unfavorable weather or soil conditions, too deep or too shallow

planting, etc., which renders it impossible for us to guarantee success, and althou we take all possible care to supply only such goods as will, under proper conditio produce satisfactory results, we still give no warranty as to description, quality, productiveness of any of the seeds, plants, or bulbs we send out and will not be any way responsible for the crop, and every order for articles named in this catalog will be executed on these conditions only.—Henry A. Dreer, Philadelphia.

While we exercise greatest care to have all seeds, bulbs, plants, etc., pure and rel ble, they are sold without warranty and without any responsibility, express or impli in respect to the crop. If our goods are not accepted on these terms, we must informed at once after their inspection upon arrival at destination to arrange for th return.—Otto Katzenstein & Co., Atlanta.

We feel justified in saying that all of our seeds are the purest and best to be foun but at the same time it must be distinctly understood that our seeds are sold witho any warranty, express or implied, as to description, quality, productiveness, or a other matter connected with the goods we send out, and we will not be in any w responsible for the crop. If the purchaser does not accept the goods on these ter they are at once to be returned.—Jerome B. Rice Seed Company, Cambridge, N.

While we exercise great care to have all seeds, bulbs, and plants pure and reliabl we give no warranty, express or implied, as to description, quality, and productiv ness, or any other matter of any seeds, plants, and bulbs we send out and we will n be in any way responsible for the crop. If the purchaser does not accept the goo on these terms, they are at once to be returned.—The W. W. Barnard Compan Chicago.

We use every effort possible in the selection of our seeds, and feel justified in sa ing that all our seeds are the purest and best to be found, but at the same time, the being so many things beyond the control of man that spoil the best seeds and cau poor crops, that it is impossible to guarantee seeds. Therefore, while we exerci great care to have all seeds pure and reliable, we sell no seeds with warranty, expre or implied in any respect, and are not in any way responsible for the crop. If t purchaser does not accept the seeds on these terms, they must be returned at onc and any money that has been paid for same will be refunded.—Leonard Seed Co pany, Chicago.

All of our seeds are tested as to vitality before leaving our warehouses. Howeve seeds of the best quality often fail through various causes beyond human contr Therefore the Barteldes Seed Company give no warranty, express or implied, as description, quality, productiveness, or any other matter, of any seeds, bulbs, plants we send out, and we will not be in any way responsible for the crop. If t purchaser does not accept the goods on these terms, they are at once to be returned. The Barteldes Seed Company, Lawrence, Kans.

W. E. Marshall & Co. give no warranty, express or implied, as to descriptio quality, productiveness, or any other matter, of any seeds, bulbs, or plants they se out, and they will not be in any way responsible for the crop. If the purcha does not accept the goods on these terms, they are at once to be returned.—W. Marshall & Co., New York City.

In common with other responsible seed houses, I sell my seed subject to the f lowing disclaimer, it being that adopted by the American Seed-Trade Associati Walter P. Stokes gives no warranty, express or implied, as to description, qualit productiveness, or any other matter of any seeds, bulbs, or plants he sends out, a he will not be in any way responsible for the crop. If the purchaser does n accept the goods on these terms, they are at once to be returned.—Walter P. Stok Philadelphia.

While we exercise the greatest care to have all seeds, plants, bulbs, and nurs stock of the best kind, we do not give and our agents and employees are forbidden give any warranty, express or implied. If you do not accept the goods on th terms, you must return them at once, and all payments therefor will be refunded. Joseph Breck & Sons (Corporation), Boston.

While we exercise the greatest care to have all seeds pure and reliable, we give warranty, express or implied, as to description, quality, productiveness, or a other matter of any seeds, bulbs, or plants we send out; we will not be in any w responsible for the crop. If the purchaser does not accept the goods on these ter they are at once to be returned.—The Livingston Seed Company, Columbus, Ohio.

We will send our only seed which we believe will grow and produce the kind plant and variety represented; but C. C. Morse & Co. give no warranty, express implied, as to description, quality, productiveness, or any other matter of any see they send out, and they will not be responsible in any way for the crop. If t purchaser does not accept the goods on these terms, they are at once to be returned. C. C. Morse & Co., San Francisco.

W. W. Rawson & Co. give no warranty, either express or implied, as to the growth, kind, description, quality, productiveness, or any other matter regarding any seeds they sell; nor will they be in any way responsible for the crop resulting therefrom. If the purchaser does not accept them on these terms he must return them at once, as they are sold upon these conditions only. Where purity or growth are mentioned they are only for guidance and without guaranty.—W. W. Rawson & Co., Boston.

We give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, or plants we send out, nor do we guarantee the successful flowering of seeds, bulbs, or plants, or that the same will be free from disease. If not accepted on these terms the goods must be returned at once, and any money that has been paid for same will be refunded.—Arthur T. Boddington, New York City.

While I exercise the greatest care to have all seeds pure and reliable, I do not give any warranty, express or implied.—Waldo Rohnert, Gilroy, Cal.

The seeds and bulbs herein offered were grown on contract for us by reliable growers, but we give no warranty, express or implied, nor will we be in any way responsible for the crop, either as to varieties or product of seeds. If not accepted on these terms the goods may be returned and any money paid for the same will be refunded.—H. H. Berger & Co., New York City.

We give no warranty, express or implied, as to description, quality, productiveness, or any other matter, of any seeds we send out, and we will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms they are to be returned at once.—S. D. Woodruff & Sons, Orange, Conn.

Comstock, Ferre & Co. give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds they sent out, and will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are to be returned at once.—Comstock, Ferre & Co., Wethersfield, Conn.

Messrs. J. M. Thorburn & Co. give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, or plants they send out, and they will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned.—J. M. Thorburn & Co., New York City.

While we exercise the greatest care to have all seeds pure and reliable, we sell no seeds with warranty, express or implied, in any respect, and will not in any way be responsible for the crop. If the purchaser does not accept these seeds on these terms, they will be returned at once.—Texas Seed and Floral Company, Dallas, Tex.

We give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, or plants we send out, and we will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned.—Vaughan's Seed Store, Chicago.

Weeber & Don give no warranty, express or implied, as to description, quality, productiveness, or any other matter of any seeds, bulbs, or plants they send out, and they will not be in any way responsible for the crop. If the purchaser does not accept the goods on these terms, they are at once to be returned.—Weeber & Don, New York City.

CATALOGUES WHICH OMIT THE NONWARRANTY CLAUSE OF THE AMERICAN SEED-TRADE ASSOCIATION AND CONTAIN LIMITED WARRANTIES.

We guarantee our seeds to be just as represented, in so far that if any should prove otherwise we will send other seeds to the same amount free of charge. At the same time it must be understood that we do not guarantee the crop.—S. M. Isbell & Co., Jackson, Mich.

Success depends largely upon conditions of soil and climate, however, while a mistake may occasionally occur; hence no honest seedsman can assume responsibility for more than the price actually paid by the purchaser. For thirty-two years we have continued to state plainly that where failure is due to any fault of the seed we would promptly refund the full price paid.—W. Atlee Burpee & Co., Philadelphia.

We guarantee the safe arrival of packages of seeds, bulbs, and plants in good condition in the United States and Canada. If a package fails to reach a customer we will send again as soon as informed of the fact; or if any part is injured or lost we will replace it. We do not consider ourselves held by this guaranty, unless complaints are made within ten days after receipt of plants.—James Vick's Sons, Rochester, N. Y.

All seeds I send out are of the very best quality obtainable and entirely clean, the grower can rest assured on a high percentage of germination. I grow but a f varieties myself, as * * *. All other varieties are partly contracted for or boug of the most experienced and reliable seed growers all over the world, for which n lifelong experience gives you full guaranty.—O. V. Zangen, Hoboken, N. J.

All seeds sent from our establishment are sold under three warrants, viz: Fir that our seed shall be what it purports to be, so far as that we hold ourselves rea to refill the order anew or to send other seed to the same amount gratis, should prove defective in any respect. * * * —James J. H. Gregory & Son, Marbl head, Mass.

We guarantee that all seeds, plants, or other goods shall reach our customers safe and in good condition. Examine carefully on receipt and report at once abou there be any cause for complaint.—The Storrs & Harrison Company, Painesville, Ohi

The seeds that we offer are the best that skill can produce or money can bu Binghamton stands fifth of all the cities of the United States in volume of seed tra done. It is here that the most notable improvement in seed-cleaning machine has been made, and our city has a world-wide reputation for the high quality of i seed. * * * All are carefully tested, and we will not knowingly send out anythi which might disappoint the buyer.—Binghamton Seed Company, Binghamton, N. Y

GUARANTY OF GOOD SEED.

We guarantee that every package we send out shall reach its destination in go condition and that everything shall be received exactly as ordered. If a package lost or any of its contents injured on the way we will send again. We also guarant everything true to name.—John Lewis Childs, Floral Park, N. Y.

THE BILL AS RECOMMENDED.

The following is the bill as recommended for adoption:

BILL To regulate commerce in adulterated and misbranded seed and to prevent the sale or tra portation thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of Ameri in Congress assembled, That the introduction into any State or Territory or the Di trict of Columbia from any other State or Territory or the District of Columbia from any foreign country of any seed bulbs adulterated or misbranded, within the meaning of this Act, is hereby prohi ited; and any person who shall ship or deliver for shipment from any State or Te ritory or the District of Columbia to any other State or Territory or the District Columbia or to a foreign country, or who shall receive in any State or Territory the District of Columbia from any other State or Territory or the District of Colu bia or foreign country, and having so received shall deliver or offer to deliver, original unbroken packages, for pay or otherwise, to any other person any seed bulbs adulterated or misbranded within the meaning of this Act, or any person wh shall sell or offer for sale in the District of Columbia or any Territory of the Unit States any such adulterated or misbranded seed or bulbs, or export or offer to expo the same to any foreign country, shall be guilty of a misdemeanor, and for su offense be fined not exceeding two hundred dollars for the first offense, and for ea subsequent offense not exceeding three hundred dollars, or be imprisoned not e ceeding one year, or both, in the discretion of the court. The Secretary of Agricu ture shall make uniform rules and regulations for carrying out the provisions of th Act.

SEC. 2. That the term "seed" as used in this Act shall include all vegetabl flower, cereal, grass, clover, forage plant, and other agricultural and horticultur seeds intended for seeding purposes.

SEC. 3. That for the purposes of this Act seeds and bulbs shall be deemed to b adulterated:

First. If seed purporting to be orchard-grass seed contain more than two p centum of seed of rye grass or meadow fescue; if seed purporting to be Kentuck bluegrass seed contain more than two per centum of seed of Canada bluegrass; seed purporting to be red-clover seed contain more than two per centum of seed yellow trefoil; if seed purporting to be alfalfa seed contain more than two p centum of seed of yellow trefoil, burr clover, and sweet clover, singly or combine or if any seed or bulbs purporting to be of one kind or variety contain more than tw per centum of another kind or variety, such other seed or bulbs being similar in a pearance or of lower market value: Provided, That no seed or bulbs shall be deem

adulterated within the meaning of this paragraph when it is accompanied by a statement or label in the form and manner prescribed by the rules and regulations in this Act provided for, giving the name and amount or proportion of each of the kinds or varieties of seeds or bulbs contained therein.

Second. If seed of red clover, alsike clover, alfalfa, or Egyptian clover contain seed of dodder; or if any seed contain weed seed, rendering it unfit for seeding purposes: *Provided*, That the provisions of this paragraph shall extend only to seed intended or offered for export to or imported from a foreign country.

Third. If any seed or bulbs contain, respectively, dead seed or dead bulbs or any other matter materially reducing the value for seeding or planting purposes: *Provided*, That this paragraph shall extend only to seed and bulbs intended or offered for export to or imported from a foreign country.

Fourth. If there shall be added to seed any weed seed or dead seed or any other matter materially reducing its value for seeding purposes.

SEC. 4. That for the purposes of this Act seed and bulbs shall be deemed to be misbranded:

First. When one kind or distinguishable named variety of seed or bulbs shall be offered for sale under the name of another kind or distinguishable named variety of seed or bulbs.

Second. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated.

Third. If the article be falsely labeled or branded as to the State, Territory, locality, or country in which it is raised or produced.

SEC. 5. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, or other party residing in the United States from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach in due course to the dealer under the provisions of this Act.

SEC. 6. That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time samples of seed and bulbs being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony, and if it appear from the examination of such samples that any seed or bulbs offered to be imported into the United States is or are adulterated or misbranded within the meaning of this Act, or is or are otherwise falsely labeled in any respect, or is or are of a quality forbidden entry into or forbidden to be sold or restricted in sale in the country from which exported, or is or are intended for adulteration purposes, the said seed or bulbs shall be refused admission under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such seed or bulbs, pending examination and decision in the matter, on execution of a penal bond for double the amount of the full invoice value of such seed or bulbs, together with the duty thereon, and on refusal to return such seed or bulbs for any cause to the custody of the Secretary of the Treasury when demanded, for the purpose of exclusion from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond.

SEC. 7. That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 8. That this Act shall be known, described, and designated as the Pure Seed Act of 1908.

SEC. 9. That this Act shall take effect and be in force upon the expiration of six months after its passage.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1279.

BRIDGE ACROSS MISSISSIPPI RIVER IN AITKIN COUNTY, MINN.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. STEVENS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 18450.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 18450) authorizing the construction of a railroad bridge over the Mississippi River, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 5, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, H. R. 18450, Sixtieth Congress, first session, to authorize the construction of a bridge across Mississippi River, is in the usual form and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 6, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

50TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1280.

EXTENSION OF IMMIGRATION DOCK IN NEW YORK CITY, ETC.

MARCH 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BENNET, of New York, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 15862.]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 15862) to provide for the extension of the immigration dock in the city of New York, and the construction of a suitable ferry landing, reports the same with amendments as noted herewith, and when so amended recommends that the same do pass.

Page 1, line 4, after the word "the," insert the words "immigration dock, sometimes called the."

Page 1, line 4, after the word "dock," insert a comma.

Page 1, line 10, strike out the words "such dock."

Page 1, line 11, strike out the entire line, which reads "to be extended to the present pierhead lines."

Page 2, line 13, strike out the period after the word "dollars" and add the words "to be paid out of the immigrant fund."

The necessity for the passage of this bill is based upon the following facts: When the immigration station at Ellis Island was burned down about five years ago, the corrugated-iron shed-like structure at the rear of the Barge Office, New York City, was pressed into service as a temporary station. It was utterly inadequate for the purpose, and though it was propped and supported in every possible way to insure its safety so far as possible it was wrenched and twisted until it became unsafe. As it is the building through which the immigrants from Ellis Island come, it is necessary that it should be reconstructed at once. The continued use of the building in its present unsafe condition is a constant menace to those who occupy it. At the same time the slip for the ferry can be erected for the ferryboat which plies to and from Ellis Island and which now is obliged to make a side landing, which, at times, is exceedingly dangerous. It has not been possible to construct the pier and ferry slip before because the pierhead line

ended close to the building. Lately, however, this pierhead line h been extended by the War Department a distance of 168 feet fa ther out in the stream, and therefore it is now possible to build t ferry slip. The erection of the slip and the reconstruction of t building are desired by the immigrant officials.

The necessity for the building is well shown in the annexed lette from the superintendent of public buildings at New York City.

OFFICE CHIEF ENGINEER AND SUPERINTENDENT, ETC.,
UNITED STATES PUBLIC BUILDINGS,
New York, February 3, 1908.

MY DEAR SIR: Referring to your personal letter of January 31, 1908, relative proposed United States Barge Office improvements in this city, I beg to reply follows:

The work referred to is needful because of the present condition of the Unit States Barge Office dock. The riprap and filling beneath said dock is greatly washe out, and within two years at most this dock should be rebuilt.

The condition of the iron shed forming the so-called Barge Office annex is we known to you and Representatives Parsons and Olcott from personal observatio It is twisted, settled, and distorted, and in the interests of public safety we have ha to require the customs authorities recently to remove their records from the upp story of said building. The windows of this structure in many cases can not opened or closed because of distortion caused by uneven settlement, and the sam conditions obtain as regards most of the sliding doors. I honestly believe that this structure came within the jurisdiction of the building department of the city New York we would not be allowed to use it for occupancy by hundreds of perso during business hours as we do at present.

At times the office of the United States shipping commissioner on the second flo is crowded, as is the immigrants' free labor bureau, which is on the first floor. Th condition also applies with reference to the immigrants' waiting room for friend The immigration service, the free labor bureau, the United States shipping com missioner, certain medical officers attached to the immigration service, and certai officers of the Revenue-Cutter Service, are very inadequately accommodated in th annex. Moreover, the space assigned for immigrants' baggage is outrageously sma The space assigned for immigrants' friends as a waiting room is so inadequate tha as is well known to you, thousands of immigrants' friends wait in the street outsi in all sorts of weather that they may greet arriving relatives and friends.

As pertinent to the foregoing you will remember that there were landed at this p the last fiscal year 1,040,000 steerage passengers. The office of the transportati agent at Ellis Island believes that about 600,000 or more of these were landed at t Barge Office dock, and a very moderate estimate would indicate that we carried the Ellis Island ferry at least 300,000 friends and relatives of the arriving imm grants. This does not include the thousands who for business, pleasure, or instru tion visited Ellis Island, using the ferry operated between the Barge Office dock an that place. At present, there being no regular slip at the Barge Office dock, t Ellis Island ferry steamer has to make a broadside-on landing, and with a stro northwest wind and flood tide this is an extremely difficult matter, especially as will be remembered that at right angles to the axis of this dock there is operat the much-used Staten Island ferry of the city of New York, and to and from t Government basin east of said dock there runs the Governors Island ferry, mai tained by the War Department. Moreover, this easterly basin is used by t revenue-cutter boarding vessels and by the anchorage vessel of this port, and no ing but great care and skill on the part of the pilots concerned has prevented a dents under adverse weather conditions at this most crowded landing. To remed these conditions it is proposed to build a proper ferry slip, as shown on plans i your possession.

You doubtless know that already the new custom-house building is fully fill and the enormously growing commercial interests of this port will surely requi that shortly additional room must be provided for the accommodation of the custom service. Such additional room may be readily found if money is appropriated carry out the scheme of replacing the dilapidated iron structure on the present si of the Barge Office site, and known as the "annex," by a suitable building accor ing to plans heretofore unofficially placed in your hands. For example, the follo ing are provided with quarters in the new custom-house: The Steamboat-Inspect

Service; the Chinese inspector, Department of Commerce and Labor; the officer in charge of Naval Auxiliaries; the inspector of machinery, Navy Department; the Isthmian Canal Commission; the Life-Saving Service, superintendent of construction; the weather bureau. The foregoing offices could with propriety be removed from quarters now occupied to the proposed new building at Barge Office dock, and the new custom-house could be kept almost wholly for the customs service. All the offices named deal with marine interests, and would really be in closer touch with their fields of activity at the Barge Office, given a suitable building there, than in the custom-house or in rented quarters.

Moreover, it is well known to you and your colleagues from observation that various customs officials are now located in the Barge Office building proper in quarters entirely inadequate as regards size and arrangement for their uses.

It is for all the foregoing reasons that I believe your action in securing needful appropriations is most deserving of success.

Respectfully,

ALFRED BROOKS FRY.

Hon. WILLIAM S. BENNET, M. C.,
House of Representatives, Washington, D. C.

OFFICE CHIEF ENGINEER AND SUPERINTENDENT, ETC.,
UNITED STATES PUBLIC BUILDINGS,
New York, February 5, 1908.

SIR: Your attention is respectfully called to previous communications relative to the heavy loading of the second story of the annex of the United States Barge Office, this city, in your custody. There has been another serious settlement of the second floor over that portion of the first floor occupied by the United States Immigration Service. The removal of records from this building is proceeding very slowly. Will you kindly have said removal expedited so the records may be out at the earliest possible moment? Otherwise we may have a serious accident.

Respectfully,

ALFRED BROOKS FRY,
Chief Engineer and Superintendent.

The CUSTODIAN, UNITED STATES BARGE OFFICE,
New York, N. Y.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1281.

OBSOLETE SPRINGFIELD RIFLES, ETC., FOR ALBERT SIDNEY JOHNSTON CAMP, CONFEDERATE VETERANS OF SAN ANTONIO, TEX.

MARCH 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19408.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp No. 1, Confederate Veterans of San Antonio, Tex., not to exceed 50 obsolete Springfield rifles, bayonets, and bayonet scabbards for same, report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out the words "Numbered One" in lines 4 and 5, and strike out the words "any such" in line 12 and insert in lieu thereof the word "this."

Amend the title of the bill so as to read as follows:

To authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Texas, not to exceed fifty obsolete Springfield rifles, bayonets and bayonet scabbards for same.

Your committee understand that these obsolete Springfield rifles are in the hands of the War Department and are practically valueless, and they see no reason why this organization should not have a limited number of these obsolete arms to use in occasions of burials of deceased comrades and other public occasions.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1282.

AMENDING SECTION 18 OF ACT ENABLING PEOPLE OF OKLAHOMA AND INDIAN TERRITORY, TO FORM A CONSTITUTION, ETC., RELATIVE TO RECORDS PERTAINING TO CORPORATIONS.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary submitted the following

REPORT.

[To accompany H. R. 17050.]

The Committee on the Judiciary, to whom was referred House bill 17050, having considered the same, recommend the adoption of the following amendment, and as amended that the bill do pass.

Strike out all after the word "thereof" in line 11, page 2 of the bill, down to and including the word, "corporations" in line 17, on page 2, and insert in lieu thereof the following:

That all books, dockets, records, and files relating to the organization, management, and control of corporations which at the time of the approval of the act of which this act is amendatory were in the custody and possession of the clerk of the United States court of appeals for the Indian Territory shall be transferred to the custody of the secretary of state of the State of Oklahoma, and the then clerk of said court shall certify to the identity of said books, dockets, records, and files.

On February 18, 1901, by an act of Congress, certain laws of Arkansas relating to the organization and maintaining of corporations were made applicable to the Indian Territory and the clerk of the court of appeals for Indian Territory was given power to exercise the same functions as the secretary of the State of Arkansas. When the enabling act was passed authorizing Oklahoma to draft a constitution and be admitted into the United States upon the same footing with other States, to include Indian Territory, no provision in the enabling act or the amendment thereto was made for the transferring of the records pertaining to corporations, which were in the hands of the clerk of the court of appeals for the Indian Territory, to the secretary of the State of Oklahoma or to any other officer of the State. Nor was any provision made authorizing any one of the officers of the State to certify copies of the records of the corporations that had been organized or

that were doing business in the Indian Territory under the term
provisions of the act of February 18, 1901. House bill No. 1705
intended to remedy this by amending section 18 of the enabling ac

It is very important that some provision be passed authorizing
records, books, and files pertaining to corporations, that were in
hands of the clerk of the court of appeals for Indian Territory w
the statehood proclamation was issued, to be transferred to the se
tary of state and that the secretary of state be given authority to i
certificates of these records as though they were originally filed in
office. It will be apparent to all that an injustice would be d
those who might desire to sue the corporations doing business in
State, or, on the other hand, if the corporation desired to sue an i
vidual upon any contract made before the admission of the State i
the Union, that before the existence of the corporation could be sh
it would be necessary to have the original records.

At present there is no legal custodian of these records; that is, th
is no official whose certificate of copies of same would be recogni
in any of the courts. It is therefore important that these records
transferred to an official of the State, who could certify to their ex
ence and furnish certified copies of the same whenever needed
demanded.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1283.

PAY OF MATES IN NAVY.

MARCH 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. OLCOTT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 4892.]

The committee on Naval Affairs, to whom was referred the bill (H. R. 4892) relating to the pay of mates in the Navy, having considered the same, report thereon with a recommendation that it do pass, with the following amendments, recommended by the Navy Department:

In line 5, after the word "thousand" strike out "three" and insert in lieu thereof "two."

In line 6 after the word "thousand" strike out "two hundred" and insert in lieu thereof "and eighty."

In line 7 after the word "hundred" insert "and sixty."

Add the following section:

SEC. 2. That mates in the service on August first, eighteen hundred and ninety-four, and who have been retired under the provisions of an act of that date, shall, after the passage of this bill, receive the same pay as retired warrant officers of like length of service at the date of retirement; and that all mates in the service shall be classed as warrant officers.

The Department's letter recommending the passage of the bill is as follows:

PAY OF MATES IN THE NAVY—DEPARTMENT LETTER.

NAVY DEPARTMENT,
Washington, February 12, 1908.

SIR: The receipt is acknowledged of a bill (H. R. 4892) "relating to the pay of mates in the Navy," and, in general, it meets with the approval of this Department. It is recommended, however, that the rates of pay therein prescribed be modified so that the pay of mates shall be as follows:

At sea	$1,200
On shore duty	1,080
On leave or awaiting orders	960

The Department need hardly say that the status of mates in the Navy is in highest degree anomalous. They have been considered as petty officers, appoi from the enlisted force, and regarded as enlisted men. This view has been r forced by an opinion of the Attorney-General, dated July 22, 1907, in which held that a man who was enlisted for service in the Navy for a period of four y and was appointed as mate and continued to serve as such after the expiration o term of enlistment without receiving any discharge, may have his appointmen mate revoked and be permitted to reenlist, with the benefit of continuous servic

This condition has, however, been complicated by a later opinion, given Oct 15, 1907, in which the Attorney-General holds that certain mates whose names borne on the retired list of the officers of the Navy, having been placed the accordance with the statute approved August 1, 1894 (28 Stat. L., 212), are enti to advancement in accordance with the provisions of the act of June 29, 190 Stat. L., 554), to the lowest grade of warrant officers. Hence, for the purpos retirement, certain mates are considered as officers. In the language of the Attor General:

"There is no doubt, I think, in view of the provisions of sections 1409 and 141 the United States Revised Statutes, that a person can be, at the same time, an of of the Navy and an enlisted man."

As a further example of the singular conditions applying to mates, the Comptr of the Treasury in a decision of January 29, 1908, relative to the pay of Mate Will Jenney, U. S. Navy, retired, decided that the pay of Mr. Jenney should be th the lowest grade of warrant officers, i. e., of the lowest pay grade. The effect of decision is that although the act of June 29, 1906, is a beneficial statute and sh be liberally construed, yet under the Comptroller's decision Mate Jenney rece absolutely no benefit whatever, his pay remaining the same as before.

Also, it may be stated that although mates are considered as enlisted men for purposes of discharge and reenlistment, yet they are debarred from the benefi the additional pay allowed other enlisted men for succeeding reenlistments. T are usually appointed from chief petty officers having long and creditable rec who may receive a maximum pay of approximately $90 a month, but upon app ment as mate their pay drops immediately to $75 a month, notwithstanding greater responsibilities of the position.

In order to remedy the inconsistencies in the matter of retirement it is sugge that a provision be incorporated in the bill that mates who were in the servic August 1, 1894, and intended to be benefited by that act and who have been ret under its provisions shall, after the passage of this bill, receive the same pay as received by retired warrant officers of like length of service at the date of retirem and that all mates in the service be classed as warrant officers.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretar

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

O

30TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1284.

REGISTRATION OF CASES OF TUBERCULOSIS IN DISTRICT OF COLUMBIA, ETC.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. OLCOTT, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 29.]

The Committee on the District of Columbia, to whom was referred the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 5, the word "suspected" and insert in lieu thereof the word "recognized."

Strike out of page 3, lines 2 and 3, the words "or the removal from any apartment or premises of a person or persons so afflicted."

Strike out of page 3, line 8, the words "or removal."

In the Fifty-ninth Congress a bill similar to this one was favorably reported by the District of Columbia Committee and passed the House on February 11, 1907.

This present Senate bill will accomplish the same result as a similar bill introduced in the House this year. The changes made by your committee and the proposed amendments are as follows:

1. Page 1, line 5, strike out the word "suspected" and insert the word "recognized." To compel every suspected case might, in the opinion of your committee, work a hardship.

2. Page 3, lines 2 and 3, strike out the words "or the removal from any apartment or premises of a person or persons so afflicted;" and

3. Page 3, line 8, strike out the word "removal."

These are deemed by your committee to be important changes for the better. The compulsion imposed upon an owner, lessee, tenant, or occupant in the absence of a physician to report cases of a person afflicted with a disease with the accompanying penalty attached is deemed entirely too drastic by your committee.

Of the general merits of the principle involved in the passage o this bill your committee has no doubt.

Tuberculosis, which was formerly supposed to be a hereditary an in most cases a fatal disease, has been shown by the developments o the last twenty-five years, since the discovery by Koch, to be cause by a bacillus, to be communicable, and if taken in time to be curable It is now claimed, although it is communicable, it is not contagious i the ordinary sense of the word, and if proper means can be taken t guard against the infection of others, there is no danger from ordinar association with those affected by the disease.

Most of the large cities of the United States have passed laws requir ing that all cases be reported to the health department, so that if an attention is necessary for preventing infection it can be given. Th first attempt in this direction was made by New York City in 1894, i which the report of all cases in institutions was required and report of private cases were requested. Many cases were reported and th results indicated the wisdom of the provision. In 1897 a law wa passed requiring the report of all cases of pulmonary tuberculosis which has since been extended to cover all cases of any form. Thi law also provided that it should be the duty of every person sick wit the disease, and the authorities of private institutions and dispensaries to observe and enforce all sanitary regulations of the board of healt for preventing the spread of pulmonary tuberculosis.

The measure when proposed met with very decided opposition o the part of the medical societies of New York City, but a judiciou enforcement has shown the wisdom of it and removed all objections t it, so that now cases are reported as a matter of course, and more tha 90 per cent of all those who die from tuberculosis are found to hav been previously reported. The death rate since registration was begu has shown a general decline. The number of reports made in Greate New York in 1905 was 31,963, and an inquiry of some of the principa physicians practicing under this law indicates its wisdom and efficacy Other cities have passed similar laws at various dates since, and a investigation of the 86 largest shows that 53 of them have laws requir ing the reports of all cases, and that the number enacting such law has increased rapidly during the last three or four years because o the greater knowledge of the disease and of the necessity of its admin istrative control. Since 1897 New York has required reports of al cases.

The total number of deaths reported as due to consumption in th United States during the census year of 1900 was 109,750, of whic 53,626 were males and 56,124 were females, and the ratio of death from this disease to 1,000 deaths from all known causes was 109.9 In 1890 the corresponding ratio was 122.3, which would appear t indicate that preventive efforts have accomplished tangible results (See p. CLXXVI, Census of the United States, Vol. III.)

The vital statistics of the census of 1900, Vol. III, p. CLXXVI also show that the death rate from consumption in the registratio area was highest in the District of Columbia (3.053), nearly one-thir of the deaths from all diseases being due to consumption, which i largely accounted for because of the large proportion of colored popu lation, the population being, in 1900, 191,532 whites and 87,186 col ored. The next highest rate in the registration area was in Rhod Island, where it was 1.953.

The following table, compiled from data furnished by the health department, shows that during the past ten years there were 7,942 deaths from pulmonary consumption in the District of Columbia; 3,555 white and 4,387 colored, the mortality rate among the colored population being almost three times as great as among the whites.

Deaths and death rates per 1,000 from pulmonary consumption in Washington for ten years.

Year.	Deaths.				Death rate.			
	Population.	White.	Colored.	All.	White.	Colored.	All.	Ratio, colored and white.
1897	277,782	355	464	819	1.873	5.253	2.948	2.80
1898	283,100	371	450	821	1.913	5.042	2.899	2.64
1899	288,500	377	392	769	1.900	4.351	2.665	2.30
1900	294,000	372	448	820	1.833	4.923	2.789	2.69
1901	299,600	363	449	812	1.747	4.891	2.710	2.80
1902	305,400	312	374	686	1.467	4.031	2.246	2.75
1903	311,300	355	421	776	1.631	4.493	2.492	2.75
1904	317,200	366	466	832	1.644	4.926	2.623	3.00
1905	323,123	353	473	826	1.552	4.943	2.556	3.18
1906	326,435	331	450	781	1.430	4.735	2.392	3.31

When it is remembered that consumption next to pneumonia causes the largest number of deaths, and that there is much reason for assuming that it is an infectious, communicable disease, and therefore to a great extent preventable, it is not surprising that in at least 53 of the 86 largest cities in the United States efforts have been made to limit its ravages.

Of the 15 largest cities in this country there is only 1 city besides Washington, viz, New Orleans, which has not a law requiring a report of all cases of tuberculosis, and since Washington, unfortunately, has the highest death rate from consumption of any State or city in the Union, no efforts should be spared to reduce the dangers to a minimum.

The Senate committee in 1907 held exhaustive hearings, and from the testimony of Doctor Thayer, pages 24 and 25, Senate hearing, it would appear certain that rooms or houses occupied by consumptives may prove a source of danger, unless such premises have been disinfected.

The bill properly recognizes the difficulties of making an accurate and early diagnosis without the aid of a microscopical examination of the sputa for the presence of tubercle bacilli, and hence provision is made for such an examination free of charge to all who wish to avail themselves of this diagnostic aid. This method of verification is calculated to protect the interest of the physician and patient alike from the consequences of an erroneous diagnosis.

The interests of the patient are further safeguarded by section 3 of the bill, which provides that all reports and records shall be exclusively in the custody of the health officer or deputy health officer, and shall not be divulged in such manner as to disclose the identity of the person to whom they relate except as may be necessary in carrying out the provisions of the act.

The provisions of section 4 are clearly in the interest of the patient, family, friends, and the public at large. While it is assumed that the attending physician is perfectly competent to give the necessary information concerning the methods to be employed to prevent the spread

of the disease, it will be very helpful and clearly in the interest public health if printed instructions are supplied by the health dep ment unless otherwise requested by the attending physician.

Section 5 is a very important provision of the bill, its purpose b to stamp out the sources of infection by compulsory disinfectio the premises after the death of the patient.

The Senate bill, section 5, directed the notification of the he department by physicians, owners, or lessees, in case of the remov a tuberculosis patient, as well as in case of a death. This was dee by your committee too great a hardship, and hence the second third committee amendments.

These facts, taken in connection with what has been accompli in the prevention of smallpox, scarlet fever, diphtheria, the combi death rate of which was less than one-third that of tuberculosis ing the census year of 1900, justify the conclusion that substa benefits will result from the passage of the bill.

Clearly such matters can not be entirely left to the discretion of family or even the attending physician, and optional or educati methods can not alone be relied on. The records of the health o show that the department since the beginning of 1902 advised infection of such apartment where a death from tuberculosis occurred and notified the physicians that this would be done fre charge whenever the health officer was authorized so to do, but facts are that although 3,901 deaths from tuberculosis were repo from 1902 to 1906, inclusive, in only 980 instances were the prem disinfected. It is to correct this condition of things, among oth that the legislation is favored.

The general consensus of opinion of a great majority of physic and humanitarians generally, backed by experience and approved tistics, show conclusively the value of legislation of this character.

With a positive assurance that this bill will accomplish great g your committee report the bill favorably and urge its passage the suggested amendments.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1286.

LOCK AT SANDY LAKE RESERVOIR DAM.

MARCH 21, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURTON, of Ohio, from the Committee on Rivers and Harbors, submitted the following

REPORT.

[To accompany S. R. 17.]

The Committee on Rivers and Harbors, to whom was referred the joint resolution (S. R. 17) to amend the provision in the river and harbor act of March 2, 1907, relating to the Sandy Lake reservoir dam, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter, which sufficiently presents the facts:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 16, 1907.

SIR: I have the honor to return herewith letter dated the 12th instant from the Senate Committee on Commerce, inclosing, for the views of the War Department thereon, a proposed joint resolution (S. R. 17) relative to the reconstruction of dam at Sandy Lake reservoir.

The Sandy Lake dam is a part of the reservoir system at the headwaters of the Mississippi River. The existing dam is provided with a lock for the passage of steamboats, and its reconstruction is necessary, owing to long use and consequent deterioration of its timbers. In his annual report for 1906 the Chief of Engineers estimated that it would require $125,000 for rebuilding the dam, including the navigation lock. The river and harbor act of March 2, 1907, makes an appropriation of $75,000 for reconstructing the dam, but the appropriation item contained the words "without a lock for steamboats," which restrictive words, it is understood, were inserted when the bill was under consideration in the Senate.

The elimination of the existing lock from the new structure has been the subject of considerable protest by navigation interests, as it has been in constant use since it was originally built. The retention of the lock is considered desirable, and in his annual report for 1907 the Chief of Engineers strongly recommends that its reconstruction be provided for. The work of rebuilding the dam is now under way, and if the navigation lock is to be continued it will be necessary for Congress to remove the aforesaid restriction, and that is the object of the proposed joint resolution.

Favorable consideration by Congress is recommended.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { RE No.

CALL FOR INFORMATION CONCERNING INVESTIGATION OF ALL PEONAGE CASES IN FLORIDA BY DEPARTMENT OF JUSTICE, I

MARCH 21, 1908.—Ordered to be printed.

Mr. JENKINS, from the Committee on the Judiciary, submitte following

ADVERSE REPORT.

[To accompany H. Res. No. 304.]

The Committee on the Judiciary have had under consideratic accompanying resolution (No. 304), and have carefully considere same and report the same back with the recommendation that the be indefinitely postponed.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1288.

CHANGING TITLE OF WARRANT MACHINISTS, ETC.

MARCH 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GREGG, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 15463.]

The Committee on Naval Affairs, having had under consideration the bill (H. R. 15463) providing for changing the title of warrant machinists, etc., report the same with the recommendation that the bill do pass with the following amendment:

In line 7, after the word "now," insert the words "or may hereafter be," to conform with the recommendation of the Department in a letter dated February 24, 1908, as follows:

NAVY DEPARTMENT,
Washington, February 24, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 16th instant, requesting recommendation as to a bill (H. R. 15463) "providing for changing the title of warrant machinists, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant, according to law governing the promotion of other warrant officers, and for other purposes."

The title "warrant machinist" is cumbersome and undesirable.

Section 12 of the personnel act of March 3, 1899 (30 Stat., 1006), as amended by the act of April 27, 1904 (33 Stat., 346), provides for the commissioning of boatswains, gunners, carpenters, and sailmakers six years after date of warrant, to rank with but after ensign. It is believed that equal consideration should be accorded warrant machinists in the matter of promotion and remuneration.

The Department therefore recommends favorable action on this bill (H. R. 15463).

In this connection it is suggested that the words "or may hereafter be" should be inserted in line 7, providing that machinists, on promotion, shall receive the same pay and allowances as are *now* allowed chief boatswains, etc.

Very respectfully,

V. H. METCALF,
Secretary.

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

Under existing law, boatswains, gunners, carpenters, and sailmakers are, after six years' service as warrant officers, promoted to chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensign. It is intended to make similar provision

for the promotion of warrant machinists, who, by reason of the acter of their duties and their relations to the service, are entit the same consideration as other warrant officers.

The designation "chief warrant machinist" would be cumbe and inappropriate, since these officers, when promoted, would no l be warrant officers. The title "machinist" has therefore bee stituted for that of "warrant machinist," so that, on prom machinists will become chief machinists.

The bill corrects the anomaly sometimes arising where a wa officer, promoted to chief warrant officer, receives as the net res such advancement less pay than he received before promotion.

The committee believes that it is most necessary to confer the privileges upon the warrant machinists that are held by other wa officers, in order to keep in the service and attract thereto the class of men required for the duties to be performed by them. the transfer of the Engineer Corps to the line, most of the eng work falls upon the warrant machinists, and it is especially impo that their personnel should be kept up to the standard their c require.

The effect of this bill would be to promote 104 warrant mach to chief machinists at a cost of about $6,408 per annum. Next there would be but one promotion and the following year 14, prov those who have served six years pass successfully the examin required.

The passage of this bill will place all warrant officers of the on the same basis as to pay and allowances. It has been twice r mended by the Navy Department, and is unanimously recomm by your committee, with amendment, as stated.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1291.

AUTHORIZING A RESURVEY OF CERTAIN TOWNSHIPS IN THE STATE OF WYOMING.

MARCH 23, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 18443.]

The Committee on the Public Lands having had under consideration the bill (H. R. 18443) authorizing a resurvey of certain townships in the State of Wyoming, report the same back with the following amendments:

In line 4, page 1, after the word "resurvey," insert the words "or retracement."

After the word "west," where it first occurs in line 14, page 2, insert "townships fifty-four to fifty-six north, ranges eighty and eighty-one west, inclusive." After the word "former," in line 21, page 2, insert the word "official," and as thus amended it is recommended that the bill do pass.

The townships, the resurvey of which is authorized by this legislation, were surveyed, as indicated in a letter of the Secretary of the Interior herewith, prior to the year 1880, and at a time when surveys were not examined in the field and when there was, therefore, no check upon the accuracy with which they were made or the thoroughness with which they were monumented, and it is notorious that under these conditions many surveys were largely paper surveys, only a few lines being actually run and monumented. Further, it is a well-known fact that even in cases where these lands were fully surveyed and monumented from twenty-five to forty years ago, owing to the character of the soil, conditions of climate, and the character of the monuments then required, such monuments have become largely or wholly obliterated.

The condition of these lands as regards former surveys is clearly indicated in a letter from the Director of the Geological Survey to the chairman of the Committee on the Public Lands, under date of March

8, 1908, in which, referring to the work of classification and valu of coal lands, he states:

The work of classification and valuation, and, secondly, the restoration to ent coal lands in Wyoming is greatly hampered, if not made impossible, by the poor surveys. During the past two years the following townships containing worl coals have been examined geologically by members of this Bureau, but were classified on account of the inability of the geologist to determine the position o land lines.

The Director of the Geological Survey in this letter gives a lis certain lands which require resurveying, and suggests that Cong authorize the same.

On January 23, 1908, the surveyor-general for Wyoming calle the attention of the chairman of the Committee on the Public La of the House the necessity for these resurveys, and gave in detail experience of his office in regard to the faulty conditions of the veys in the townships mentioned in this bill. He also transmitt number of letters, a few of which are appended hereto and made a p of this report. These letters, together with the information in surveyor-general's office, in the General Land Office, and that obtai from the Geological Survey, clearly indicate the necessity of autho ing these resurveys.

Before and since introducing the bill providing for these resurv the chairman of the Committee on the Public Lands received a con erable number of letters from people living on or in the vicinit the lands in question calling attention to the fact that they have b unable to find Government corners in the localities in which they h settled or where they desire to settle.

The commissioner of public lands for the State of Wyoming has called attention to the necessity for resurveys within many of th townships in order that the State may be able to locate its lands. in a letter recently received from a gentleman who has been enga in surveys for the last year and a half on some of the lands in quest with a view to constructing a large irrigation project he calls atten to twelve townships of those described in the bill in which he and engineers have been unable to find Government corners.

Section 2 of the bill provides that none of these resurveys shal contracted for or executed until it shall be made to appear to the retary of the Interior that the former survey of said lands is so i curate or obliterated as to make the resurvey necessary or expedi and the authorization contained in the bill does not render any spe appropriation for the resurveys necessary as they will be execu from time to time as the Secretary may authorize out of the ap tionment made to the State of Wyoming by the Secretary from general appropriation for public land surveys.

A letter from the Secretary of the Interior approving the form the legislation is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 19

SIR: In response to your request for a report on House bill 18443, "Authorizin resurvey of certain townships in the State of Wyoming," I have the honor to in you that this Department is in receipt of a letter from the Director of the Geolo

Survey, under date of March 3, 1908, in which he urges the necessity for a resurvey of 16 of the townships mentioned in the bill as being desirable to facilitate the work of classifying lands now under withdrawal as coal lands, and asks that this office take steps to have these townships resurveyed. Aside from this letter there is nothing of record in this Department which shows the necessity for the resurvey unless it can be presumed from the lapse of time, the surveys having been made in 1880 and prior thereto, or from the fact that the surveys were not examined in the field.

The bill appears to be in proper form to effect the resurveys, but it is believed that in order to avoid complications which may affect existing claims it would be well to so modify it as to authorize either resurveys in cases where the original surveys were so defective or obliterated as to make such resurveys necessary, or to authorize retracements and reestablishments of the lines and corners established by the former survey when this may be readily done under existing rules for the restoration of lost or obliterated corners. It is, therefore, suggested that the words "or retracement" be inserted after the word "resurvey," in line 4, on page 1 of the bill, as submitted for my consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 4, 1908.

DEAR SIR: The work o classification and valuation and, secondly, the restoration to entry of coal lands in Wyoming is greatly hampered, if not made impossible, by the poor land surveys. During the past two years the following townships containing workable coals have been examined geologically by members of this Bureau, but were not classified on account of the inability of the geologist to determine the position of the land lines: T. 56 N., Rs. 80 and 81 W., sixth principal meridian; T. 55 N., Rs. 80 and 81 W., sixth principal meridian; T. 54 N., Rs. 80, 81, and 82 W., sixth principal meridian; T. 46 N., R. 100 W., sixth principal meridian; T. 16 N., Rs. 90 and 91 W., sixth principal meridian; T. 15 N., Rs. 90 and 91 W., sixth principal meridian; T. 14 N., Rs. 90 and 91 W., sixth principal meridian.

The following list shows a number of townships which have not been examined geologically, but are generally known to contain workable coal beds and the lands containing these coal beds should be surveyed, so that they may be examined and restored to entry at an early date: T. 16 N., Rs. 88 and 89 W., sixth principal meridian; T. 15 N., Rs. 88 and 89 W., sixth principal meridian; T. 14 N., Rs. 88 and 89 W., sixth principal meridian.

In view of this condition of affairs, I would respectfully suggest that Congress should authorize new surveys in this region and that sufficient funds should be appropriated to cover their cost.

Very respectfully,

GEO. OTIS SMITH, *Director.*

Hon. F. W. MONDELL,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF U. S. SURVEYOR-GENERAL, DISTRICT OF WYOMING,
Cheyenne, Wyo., March 4, 1908.

SIR: Inclosed herewith please find a copy of a letter by Hon. C. E. Hayden, Cody, transmitting to this office a petition for the resurvey of ten townships as follows, viz: Tps. 53, 54 N., R. 101 W.; Tps. 53, 54, 55, 56 N., R. 102 W.; Tps. 53, 54, 55, 56 N., R. 103 W.

A copy of the petition it also inclosed herewith.

Attention is invited to Mr. Hayden's reasons for the resurvey, to the effect that but few corners exist, and that those few are unreliable; also that by reason of this unsatisfactory condition of the public survey numerous conflicts have resulted.

This report of Mr. Hayden corroborates other reports of conditions in t
townships. They are included in the bill suggested by me and forwarded to y
few weeks ago.

Have written Mr. Hayden advising him of the proposed bill.

Very respectfully,

ALPHEUS P. HANSON,
United States Surveyor-General for Wyomin

Hon. F. W. MONDELL,
Member of Congress, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF U. S. SURVEYOR-GENERAL, DISTRICT OF WYOMING,
Cheyenne, Wyo., January 23, 190

MY DEAR MONDELL: I have prepared a map and the draft of a bill for the resu
of designated townships in this surveying district. I do not wish to be underst
to assume to prepare a bill for you to introduce in Congress. I have simply prep
this, the better to make myself clear as to just what I think should be done, as I
firmly of the opinion that these resurveys should be made, and at such times as
surveyor-general deems advisable. I take the position that he is better able to de
mine this matter than anyone else, and that it is his duty to do so.

This bill does not provide for any additional appropriation, my idea being that
resurveys be made in the regular way from the annual appropriation from yea
year.

I am inclined to think that iron posts should be set for several reasons, as follo

First. The impracticability of counterfeiting.

Second. Durability and permanency.

Third. Legibility, these markings of township, range, and section rendering p
tion of corners plain to settlers.

Fourth. These iron posts can be more readily found, and would convey bey
question the legality of the corners.

The reasons for the above are that it is an absolute fact that a great numbe
local surveyors, when they are unable to find Government corners, build cor
and mark them with the same markings as those used by the Government, and th
same corners are adopted and used by other surveyors, supposing them to be
rightful corners.

These corners are frequently a great distance from the true position, and the ef
upon the settlement and development of the country is therefore quite appar
Settlers hesitate to use their right and to invest money in land when there is s
question as to its exact location, there being in a great many cases two or more
of corners representing the same place, and in other instances no corners can
found for miles around.

It is often the case that one settler will locate from a corner several miles aw
while another settler will locate from another corner in an opposite direction,
when the two surveys come together there is always a discrepancy, which is eit
an overlap or a vacant strip left between their claims. This always leads to co
sion, dissatisfaction, and, in a number of cases, litigation.

This condition is also true of the coal and timber lands, and in fact applies to
locations. Capitalists hesitate to invest where there is any question as to the l
tion of the lands.

Thus you can see the endless trouble, confusion, and illegality of surveys so m
from these corners. Iron posts, if adopted, will eliminate this difficulty.

If this State is to be settled up by farmers, ranchmen, and stockmen, it is a p
tive fact that these resurveys will have to be made before settlement will take pl

The townships covered by this map and bill are those in the vicinity from wh
complaints have reached this office—by telephone, verbally, and by letters
petitions.

The whole country covered by these townships is gradually becoming sett
Therefore, the reason for resurvey is quite apparent to you, and I have provided
the bill that these resurveys be taken up from time to time, as the necessity demar
As it is a very difficult matter to tell just what townships should be resurveyed fi
the only way to cover that point is to have all of these townships subject to re
vey, so that they may be taken up in the order of importance and in the interes
home-seekers. Hence the necessity of including all of these townships in one ac

As I am positive that these townships will have to be resurveyed at some fut
date, and as the conditions are growing more complicated each year, it would b
better to adjust the difficulty now, for, say in five years from now, or even les

adjustment of boundary lines of private land claims would be a very difficult, if not almost impossible matter.

It is a fact that every question of dispute between settlers which has been carried to the courts, has been adjusted only by resurvey by the United States Government. The courts have been unable to act in such cases on account of the lack of evidence as to the true position of the original survey, and they invariably defer action and recommend a resurvey.

Of the many petitions and letters on file in this office I am sending herewith copies of some of them in order that you may obtain an idea as to the nature of the complaints.

This office has never heard of any dissatisfaction over a resurvey from the settlers. There have been one or two cases where they have asked to have some small changes made in the resurveys. In some instances this has been done, and in others it has not. In all cases I believe the settlers are satisfied, and you know that in the Big Horn country thousands of these claims have been resurveyed, and, I believe, with perfect satisfaction to the settlers and landowners. This country embraces eighty townships of resurvey.

In the resurvey of the townships in the Big Horn basin the deputies were unable to find any corners of the old survey in the outboundaries of said townships. For instance, the deputies, starting at the southwest corner of T. 49 N., R. 93 W., and running west along the twelfth standard, found but one corner, although diligent search was made to locate the line if it had ever been run. The corner found was a closing corner just about a mile east of the Grey Bull River, and it was the only corner found on the entire line, running as far west as R. 103 W. The other 6 miles of the line has not been run, but a contract has been let for the same and they will be resurveyed next season. The corner found on the Grey Bull was something like 8 or 10 chains south of the line as run by the deputies, and, although the line from this corner was retraced on its alignment, no corners could be found.

Numerous inquiries have been made in regard to the resurvey of the three checks south of this line as far as the eleventh standard. We know of but one or two corners that have ever been found, and there is nothing to show that they are true corners, while there are a number of settlers and applicants for land in these checks on the Gooseberry and what is called the Little Buffalo basin project, which would be watered from No-Wood. This, I understand, is being held back until the resurvey can be made and the lines definitely located.

There is a great deal of trouble along the Big Horn River, where there are two and in some instances three sets of corners, with no record defining the original corners. Settlers have located their claims by the three sets of corners. I mean by that that they have not used the same set of corners. Letters from settlers report this condition to exist for 50 miles up and down the Big Horn River. The same condition exists around Jordan and also in the country around Tensleep. Now, it is a self-evident fact that if the public survey is erroneous in an interior township it is reasonable to assume that it is defective in the surrounding townships.

In the east side of the check between the eleventh and twelfth standards, the country around Mayoworth, and on north to the north part of the check, two sets of corners exist, and the settlers are having a great deal of trouble over their lands, and if not taken up and resurveyed it will likely lead to a great deal of litigation. This matter has been called to my attention by letters, and also personally by the members of the legislature from Johnson County at the last session.

In the checks south the surveys are all defective; and if we expect this country to settle up, it certainly must be resurveyed and permanent corners established whereby prospective settlers can file without danger of complications; otherwise they will not settle. I mean by that that the Government resurvey should be made before settlement.

In the southern part of the State, along the Union Pacific and south, as indicated by the map inclosed, the Government survey on the east side was made by Deputy Carpenter, and a great deal of trouble was experienced in trying to find the lines of the old survey, and when found they were so irregular and uncertain that they could not be relied upon.

Mr. Fuller, commissioner of public lands, reports to this office that a great deal of inquiry is being made in regard to the Muddy Creek country in Carbon County and that no corners can be found.

The experience of this office with surveys along the third standard parallel is that no corners could be found.

The fourth standard parallel, so far as we know, is a well-defined line, but both north and south of said line the survey is absolutely faulty.

In running the line between the fourth and fifth standards, between Rs. 100 and 101 W., the deputies found corners for 24 miles, but they were built by private surveyors, reported to me as being the Union Pacific surveyors. The deputies also

report that they have set several corners throughout the country where they making surveys.

The townships marked with circles, from Ts. 16 to 21 N., Rs. 98 to 100 W., incl are the townships that were to be resurveyed by the Geological people, or as thereof as was necessary, so they stated. As there were no corners found range line west between the fourth and sixth standards for 48 miles, I have inc said checks in this bill.

In the Burnt Fork and Henrys Fork country there is a great deal of com regarding the irregularity of the survey, and settlers have petitioned for the res of that portion of the country. No corners can be found north, although a nu of settlers desire to locate in that country. No corners were found by the d when running the line from the fourth and fifth standards between Rs. 108 an W. Between the fifth and sixth standards, Rs. 108 and 109 W., a few corners found north and south of Green River, but they were simply lying on the gr and there was no assurance as to their proper position.

In the northwest portion of the check between the fifth and sixth standards is a discrepancy of over 30 chains in the survey where corners can be found. are very few corners in this country, and what few are found lead to a great d conflict and dissatisfaction. In the check between the fourth and fifth standar deputy reports no closing corners found on the fifth standard when that lin retraced for about 48 miles; and the surveyors report no corners found in the co south, although settlers desire to locate in this portion of the country.

In the check between the eleventh and twelfth standards, Rs. 101 to 104 W., k as the Kirwin district, there are entries of mineral claims located and a patent s made where the mineral surveyor reports no Government corners being found. have been tied to mineral monuments, and one mineral monument has been ti a Government corner by a traverse line nearly 14 miles long. This leads believe that the Government corner from which the mineral monuments are lo is in a faulty survey.

I also desire to call your attention to the condition of the townships north of which was taken up with you by letter dated February 19, 1907, and data mitted therewith.

I again repeat, that if this State is expected to settle up it is absolutely nece that permanent Government corners be established before settlement.

Of course I am well aware of the deplorable condition this State is in as to neous, irregular, and fraudulent surveys, but that I could not help, because were made prior to my assuming charge of the office. The surveys made durin administration, I want to say, have all been made well, and I can make them better if the Government will furnish the iron posts and authorize resurveys as outlined.

I believe that under the present system, where contracts are let by the surv general to reliable deputies, and their work is examined by examiners detailed the commissioner's office to inspect the work of said deputies in the field befor same is accepted and paid for, is an absolute safeguard against fraudulent or irre surveys being made or accepted, while if surveys are made by surveyors de from the General Land Office, paid by the day or by contract, and the same to be examined, you can readily see that there is no incentive on the part of th doing the work to use any great effort to have the work done well. They are in n obligated to do so, while a contractor puts his money into the work under the ent system, and if it is not accurately and well done he will receive no pay the thus losing the amount of money he has put in on said contract and also in the of labor performed.

The erroneous and fraudulent surveys as mentioned in this letter, and the complained of, were all made from twenty to twenty-five years or more ago, a system where the surveyors knew that the work in the field would not be e ined. It seems very apparent to me that it is a dangerous thing to go back now system that has proven so disastrous to the country, and contemplate having su made by surveyors who know at the time of making same that they will n examined.

It is my candid opinion that the one thing that tends to retard the develop of Wyoming is the present condition of the surveys.

It is a well-known fact that the local surveyors all over this State, when they not find a Government corner while making surveys for private individuals, corners and mark them as Government corners. Afterwards other surveyors lines from these corners and they are represented as Government corners. leads to an endless lot of trouble and dissatisfaction, and in one or two instan has led to litigation in the courts. Now, if iron posts are adopted, you can re

see that it will do away with that class of corners being built, as they can not imitate the iron posts made by the Government.

You will notice the inclosed correspondence dates back several years, these complaints having come in to other surveyors-general than myself.

On the inclosed map the yellow represents the townships authorized by Congress to be resurveyed, which resurveys have been nearly completed. The pink represents the resurveys authorized under settlers' petitions, which resurveys have also been made. The blue checks represent the townships which I think should be resurveyed from time to time as it appears necessary.

Very respectfully,

ALPHEUS P. HANSON,
United States Surveyor-General for Wyoming.

Hon. FRANK W. MONDELL, M. C.
Washington, D. C.

KEMMERER, WYO., *January 19, 1908.*

MY DEAR MR. JOHNSON: Your letter of the 15th instant received, and will say my work along the fourth and fifth standard parallel has showed up very few old Government corners. There are a few S. C. corners on the fourth, and have never been able to find any C. C. corners on the fifth in alignment with S. C. corners on the fifth standard parallel. By tracing corners from the fourth north to the fifth in Rs. 118 W. and 119 W., I do not connect with the fifth (the survey you made this summer) as maps in Evanston land office shows it. I also make a shortage of 2,570 feet. I have only found three corners in Tps. 18 and 19, Rs. 118 and 119, and I worked twenty-six days in these townships this summer. Hoping this will furnish you with the information you require, but should you wish more I will gladly refer to my notes and maps to furnish such data as I possess.

With kind regards and best wishes for a happy New Year, I am, yours, truly,

LEW R. HENDERSON.

MR. FRANK M. JOHNSON, *Cheyenne, Wyo.*

We, the undersigned, settlers in T. 12 N., R. 111 W., being located on the subdivisions of said township as indicated opposite each name, do hereby petition the honorable Commissioner of the General Land Office for a resurvey of said township, and agree to abide by the result of the resurvey when made and found acceptable to the Commissioner of the General Land Office. The reason for this request is based upon the fact that the present survey is erroneous and leads to confusion and conflict of title.

Name.	Location as per old title.		
	Section.	Township.	Range.
S. J. Helsey	2x35	12	111
Clark Logan	1, 6	12	110, 111
T. A. Welch	3x34	12	111
Maggie Mass	5	12	111
Sam H. Harvey	3x4	12	111
Phillip Mass	4x5	12	111
Rose L. Harvey	3x4	12	111
Wm. Pearson	5x6	12	111
Wm. Beach	17	12	111
Chas. Blake	6	12	111

We, the undersigned, settlers in T. 12 N., R. 112 W., being located on the divisions of said township as indicated opposite each name, do hereby petition honorable Commissioner of the General Land Office for a resurvey of said town and agree to abide by the result of the resurvey when made and found acceptabl the Commissioner of the General Land Office. The reason for this request is b upon the fact that the present survey is erroneous and leads to confusion and con of title.

Name.	Location as per old surve		
	Section.	Township.	Ran
Geo. W. McCarty	13	12	
G. A. Bullock	5, 6	12	
G. H. Barr	11	12	
Wm. Stoll	10, 11	12	
J. T. Watkins	8-9	12	
Sterling Summers	6	12	
Wm. M. Summers	6	12	
Mrs. L. May Custer	6	12	
W. C. Hanks	9, 10	.....	.....
Ike Edwards	13	12	
David Edwards	11	12	
J. M. Stevenson	22, 23	12	
Cordelia L. Stevenson	14-22, 23	12	
Charles Carroll	12	12	
Charles Berndt	14	12	
Susan A. Vincent	12	12	
Geo. Stoll, jr	14	12	
J. B. Anson	1-2-11	12	
H. C. Stewart	14-23-24	12	
Charles Wyman	23	12	
Thos. Widdop	15	12	
Ellen Widdop	15, 22	12	
Geo. Stoll, sr	11, 14	12	

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1292.

SITE AND PEDESTAL FOR STATUE OF JOHN WITHERSPOON, IN WASHINGTON, D. C.

MARCH 23, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCALL, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. R. 6.]

The Committee on the Library, to whom was referred S. R. 6, directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of John Witherspoon, report recommending that the same do pass.

Dr. John Witherspoon was the president of Princeton College and was elected as a delegate to the Continental Congress from New Jersey. On the 4th of July, 1776, he made a notable speech in support of the Declaration of Independence, and he was the only clergyman who signed that great instrument. It is no exaggeration to say that he was one of the foremost men in the Continental Congress, and he rendered invaluable service throughout the whole period of the war. His fame still retains sufficient vitality to lead public-spirited citizens to subscribe to erect a statue in his memory. All Congress is asked to do is to prepare the site and the pedestal and to appropriate $4,000 for that purpose. The statue itself will cost about $20,000, of which $17,000 have already been subscribed.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1293.

INDIAN APPROPRIATION BILL.

MARCH 23, 1908.—Ordered to be printed.

Mr. SHERMAN, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 15219.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15219, an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, and 104, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit

of the tribes respectively owning the said land and improvements, a immediately after any such sale patents for the realty thus sold shall made and delivered in the same manner as now provided by law for oth tribal property: Provided, That when practicable preference right sh be given to the State, counties, and municipalities of Oklahoma to pu chase said lands and improvements at the appraised value: And pr vided, That pending such appraisement and sale the Secretary of t Interior may temporarily lease said buildings and lands for the bene of the tribes respectively to which they belong.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment the Senate numbered 5, and agree to the same with an amendme as follows:

In line 2 after the word "and" strike out the words "purchase of and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment the Senate numbered 12, and agree to the same with an amendme as follows:

Strike out all of said amendment and correct the total so as to rea *In all, two million one hundred and fifteen thousand dollars;* and t Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment the Senate numbered 17, and agree to the same with an amendme as follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is hereby authorized to se a special Indian agent, or other representative of his office, to visit a Indian tribe for the purpose of negotiating and entering into a writt agreement with such tribe for the commutation of the perpetual annuiti due under treaty stipulations, to be subject to the approval of Congres and the Commissioner of Indian Affairs shall transmit to Congress sa agreements with such recommendations as he may deem proper.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendme of the Senate numbered 27, and agree to the same with an amen ment as follows:

Strike out the word "ninety" and insert in lieu thereof the wo *eighty-five;* and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendme of the Senate numbered 28, and agree to the same with an amen ment as follows:

In line 4 strike out the word "may" and insert in lieu thereof t word *shall.*

In the same line strike out the words "from this" and in line the word "appropriation."

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows:

At the end of said amendment add the following:

: Provided, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary.

And the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

After the word "reservation" in line 10 add:

Provided, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe.

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In line 2, after the word "authorized," insert the words *in his discretion*, and in line 6, after the word "purchase," strike out the words "in his discretion,".

In line 9, after the word "Iowa," strike out the balance of said amendment.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment the Senate numbered 39, and agree to the same with an amendm as follows:

In line 2, after the word "to," strike out the words "use and;" a the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment the Senate numbered 42, and agree to the same with an amendm as follows:

In line 2 strike out the words "and directed" and insert in l thereof the words *in his discretion;* and the Senate agree to the sar

Amendment numbered 43:

That the House recede from its disagreement to the amendment the Senate numbered 43, and agree to the same with an amendm as follows:

After the word "conclusive" in line 10 insert:

Provided, That the expense thereof shall be paid out of the mon found due said Indians in said cause.

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment the Senate numbered 51, and agree to the same with an amendm as follows:

In line 1, after the word "implements," insert the words *ot equipment.*

In line 9, after the word "Interior," insert the words *Provided, T said expenditures shall be made.*

And the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment the Senate numbered 53, and agree to the same with an amendm as follows:

In line 4, after the word "upon," insert *public lands, if available, the judgment of the Secretary of the Interior, or upon;* and the Sen agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment the Senate numbered 59, and agree to the same with an amendm as follows:

Strike out all of said amendment after the word "make," in line and insert in lieu thereof the following:

such arrangement and agreement in reference thereto as said Secret deems for the best interest of the Indians: Provided, That no lien charge for construction, operation, or maintenance shall thereby created against any such reserved lands: And provided further, That meet the necessary cost of carrying out this legislation the Secretary of Interior is authorized to expend, out of the sum appropriated in this for irrigation, an amount not exceeding thirteen thousand dollars.

And the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In line 2 strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following: *For construction of concrete walk, driveways and grading, two thousand five hundred dollars;* and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 1 strike out the word "twenty" and insert in lieu thereof the word *six;* and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In line 2 strike out the word "five" and insert in lieu thereof the word *three;* and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows:

Strike out all of said amendment and correct the total so as to read: *In all, thirty-six thousand seven hundred dollars;* and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In line 2, after the word "Jack," insert the words *Choctaw allottees;* and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In line 2 strike out the words "and directed" and insert in lieu thereof the words *in his discretion.*

At the end of said amendment add:

: Provided further, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of

six hundred dollars, in full settlement of a promissory note given Mo-ko-ho-ko and Ke-wa-quah, chiefs of the Sac and Fox Indians, a Ketch-e-Cush, a councilman.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendm of the Senate numbered 84, and agree to the same with an amen ment as follows:

Strike out all of proposed amendment, and on page 36, in line after the word "patents," strike out "and conveying," and in l 22 strike out the word "same;" and the Senate agree to the sa

Amendment numbered 88:

That the House recede from its disagreement to the amendm of the Senate numbered 88, and agree to the same with an amen ment as follows:

Strike out all of said amendment and insert:

That contracts heretofore or hereafter made by and between pers stricken by the Secretary of the Interior from the final rolls of the F Civilized Tribes, and attorneys employed by them to secure their resto tion to said rolls, are hereby declared valid and enforcible and when s contract approved as hereinafter provided shall have been recorded the county where such land is located shall be a lien, in the event of restoration of said persons to the rolls, against allotted lands or tri funds of the persons so restored to, or given the rights upon the said ro if such contracts are approved by the Secretary of the Interior in th original or such modified form as he may deem equitable, and not otherwi Provided, That the name of no person stricken from the final roll by Secretary of the Interior shall be restored to said roll who was not ori nally entitled under the law to be enrolled.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment the Senate numbered 90, and agree to the same with an amendm as follows:

Strike out all of said amendment and insert:

That the Secretary of the Interior is hereby authorized and directed pay out of the Chickasaw fund to D. H. Johnson, governor of the Chic saw Nation, compensation for his services as such governor, at the rate fifteen hundred dollars per annum from March fourth, nineteen hund and six, so long as he shall legally serve as such governor.

And the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment the Senate numbered 92, and agree to the same with an amendm as follows:

Strike out all of said amendment and insert in lieu thereof: ", a *the Secretary of the Interior is directed to so disburse this appropriation to complete said work by July first, nineteen hundred and nine;* and Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

Strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word *two;* and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu of the amount proposed *twelve thousand dollars;* and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a six-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress.

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding seventy-five thousand dollars, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the absentee Utes, and the amount so expended for each individual absentee shall be made a matter of record to be charged against and deducted from the share said absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe.

And the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows:

On line 3 of said amendment strike out "Uinta" and insert Uintah.

Transpose entire amendment to page 48 and place after ame
ment 101.

And the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the Hous
MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Senat

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The Senate made 104 amendments to the bill and added to the amo appropriated, in round figures, $1,800,000. In conference the Sen has agreed to recommend receding from 26 amendments and has c sented to the modification of many others, so that of the amount the was increased in the Senate the conferees propose to recede fr something over one million dollars and to leave in the bill an incre of something less than eight hundred thousand dollars.

The Senate receded from amendments Nos. 21, 22, 23, 24, 52, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100, leaving the bill, in so far as these amendments are concerned, the form in which it passed the House.

The House receded from Senate amendments Nos. 1, 2, 3, 6, 7, 8, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 1 and 104, and from all other amendments the House receded w amendments.

Amendments Nos. 1, 7, and 8 make immediately available a part the appropriation for allotments under the act of 1887 and for irrigat and survey and subdivision of Indian reservations.

Amendment No. 2 authorizes the purchase of supplies and the lett of contracts for irrigation work, where the expenditure does not exc $5,000, without advertisement. This provision in substance has b in the Indian appropriation bill for ten years or more, but with limitation as to amount. The provision has been of convenience a value, especially where work was to be done on reservations rem from trade centers.

Amendment No. 3 provides that where a new bond is required an officer of the Bureau the old bond may be canceled.

Amendment No. 4, as agreed to in conference, grants authority the Secretary of the Interior to dispose of buildings and lands n owned by any of the Five Civilized Tribes and heretofore used tribal and school purposes, and to deposit the proceeds to the credit the several tribes in the Treasury. The amendment also provides t pending a sale of such property the same may be leased for the ben of the tribe affected.

The appropriation for "ditches and reservoirs," as presented to House, contained the words "and so forth," and these words hav been stricken out in the House, amendment No. 5 inserts the w

"irrigating tools and appliances," which was intended to be covered by the objectionable words stricken out.

Amendments Nos. 6 and 9 are corrections in phraseology.

Amendment No. 10 increases by $15,000 the amount appropriated for suppression of the liquor traffic.

Amendment No. 11 increases by $100,000 the amount appropriated for the support of day and industrial schools.

Amendment No. 12 is the correction of total made necessary by the adoption of the previous amendments.

Amendment No. 13 authorizes the Commissioner of Indian Affairs to conduct experiments in reference to soil, climate, cultivation of grain and vegetables, etc., on school and agency farms.

Amendments Nos. 14 and 15 strike out words which were believed to be superfluous, and do not change the intent of the provisions.

Amendment No. 16 authorizes officers who have the disbursement of funds for Indians to deposit them in any convenient national bank, providing the officers making such deposits require from the bank so used a sufficient indemnity bond.

Amendment No. 17 authorizes the Commissioner of Indian Affairs to negotiate agreements with any Indian tribe having a present agreement with the United States for perpetual annuities for the surrender of these perpetual annuities, such agreements to be effective only when approved by Congress.

Amendments Nos. 18, 19, and 20 make continuous certain administrative features of the bill, which, with the exception of No. 20, have been in the Indian appropriation bill for many years.

Amendments Nos. 25 and 26 make provision for the appointment of practical farmers and practical stockmen, subject only to such examination as the Secretary of the Interior prescribes.

Amendment No. 27 increases by $10,000 the appropriation for contingent expenses.

Amendment No. 28 provides for the Government paying the premium for bonds which it requires of disbursing officers.

Amendment No. 29 appropriates $9,000 and makes it immediately available for the improvement of the power and heating plant at the Phoenix, Ariz., school.

Amendment No. 30 is a change of total made necessary by the adoption of amendment No. 29.

Amendment No. 31 appropriates $50,000 for purchasing homes for the Indians of northern California, provided that it is expressly understood that this shall be the final appropriation for this purpose.

Amendment No. 32 reappropriates $1,000 unexpended balance, heretofore appropriated, for the purpose of removing obstructions in the bed of a stream flowing through the Round Valley Reservation, in California.

Amendment No. 33 appropriates $10,000 for the construction of a wagon road for the use of the Indians of the Hoopa Valley Indian Reservation in California. The amendment as modified in conference provides that no part of this sum shall be expended until the proper officers of the Bureau shall certify that the amount herein appropriated will fully complete the work under contemplation.

Amendment No. 34 appropriates $15,000 to be expended by the Secretary of the Interior for the use of the Yuma and Colorado River Indians, and provides that the amount thus expended shall be reim-

bursed to the Treasury from the sale of lands provided for in th amendment.

Amendment No. 35 provided for the setting apart of a certain po tion of the Coeur d'Alene Reservation in Idaho, for a public parl transferring the same to the State of Idaho, and made appropriatic for the payment to the Indians in compensation therefor. The amen ment as agreed to in conference authorizes the Secretary of the Interi to sell the land therein described to the State of Idaho for park pu poses upon receiving therefor such compensation as the Secretary the Interior considers adequate, the amount so received to be held f the use and benefit of the Indians whose land is taken.

Amendment No. 36 authorizes the issuance of a patent to the Epi copal Church for certain lands now occupied by said church for chur purposes on the Coeur d'Alene Reservation in Idaho, the patent to issued only upon the consent of the Indians.

Amendment No. 37 makes available for the next fiscal year the une pended balance of an appropriation heretofore made for the survey the Lemhi Reservation in Idaho.

Amendment No. 38, as it passed the Senate, directed the Secreta of the Interior to expend $62,000 out of the funds of the Sac and F Indians, held in trust, in the manner described in the amendment f the benefit of said Indians. As agreed to in conference, this amen ment authorizes such expenditure in the discretion of the Secretary the Interior.

Amendment No. 39 is really a part of amendment No. 38, but it autho izes the further expenditure of $5,000 for the benefit of the san Indians in the manner described in the amendment.

Amendment No. 40 appropriates $600 for the purpose of putting respectable condition an old Indian cemetery in Kansas.

Amendment No. 41 authorizes the Secretary of the Interior to l out highways on a section of land in the Pottawatomie Reservation Kansas. It does not involve any expense on the part of the Governmen

Amendment No. 42, as passed by the Senate, directed the Secreta of the Interior to pay to the Iowa Indians in Kansas the balance their trust fund in the Treasury. The amendment, as agreed to conference, authorizes the Secretary, in his discretion, to make su payment.

Amendment No. 43 authorizes the Secretary of the Interior to mal a roll of the Ottawa and Chippewa Indians who are entitled to parti pate in the funds to which the Court of Claims has held that they a entitled. In the conference a provision was added to this amendme charging the fund with the expense of making the roll.

Amendment No. 44 makes appropriation for the pay of the Indi agent at the White Earth Agency, Minn. Amendment No. 45 is change of total made necessary by amendment 44.

Amendment No. 46 is a reenactment of a provision in the last appr priation bill providing for a payment out of the funds of the Chippew of Minnesota. By error in the last bill these Indians were describ as "the Chippewas of Mississippi." This amendment is simply to co rect that error.

Amendment No. 47 authorizes the Secretary of the Interior to p the expenses, out of the funds of the White Earth band, for an annu celebration which this band is accustomed to hold and which celebratic is rather in the nature of a fair than anything else.

Amendment No. 48 modifies a statute providing for the payment of annual installments to the Red Lake Indians in the spring instead of in the fall.

Amendment No. 49 increases by $300 the compensation to be paid the Indian agent at Fort Berthold Agency, Mont. The House receded instead of the Senate.

Amendment No. 50 appropriates $10,000 for the construction of a saw and flour mill for the Flathead Indians to take the place of one destroyed by fire, the amendment providing that the amount thus expended should be reimbursed to the Treasury from the sale of lands of these Indians, to be made after allotments are completed.

Amendment No. 51 makes an appropriation of $25,000, to be expended in the purchase of machines, tools, animals, etc., for the Fort Belknap Indians in Montana, and provides that said money shall be reimbursed to the Treasury from the proceeds of the sale of lands now being made.

Amendment No. 53, as passed by the Senate, made an appropriation of $30,000, to be expended in the discretion of the Secretary of the Interior, to locate the Rocky Boy's band on some reservation where the Indians on the reservation would agree to the same. As agreed to in conference, provision is made for locating these Indians upon public lands if there be suitable public lands available in the judgment of the Secretary of the Interior.

Amendment No. 59 makes provision for charging Indian lands, directly benefited by irrigation work done by the Reclamation Service, with their proportion of the cost of such work, but especially provides that no lien shall be created against the lands which would by any possibility deprive the Indians of the title thereto. The amendment also authorizes the Secretary of the Interior to pay from the general irrigation fund, appropriated in this bill, the maintenance charge within the prescribed limit for a given period for this service.

Amendment No. 67 is simply a transposition.

Amendment No. 70 appropriates $5,000 for the purchase of live stock, seeds, farm implements, and machinery for the Wahpeton Indian School, North Dakota, and amendment No. 71 appropriates $2,500 for the making of walks and driveways and grading at the same school.

Amendment No. 72 makes an appropriation of $6,000 for the erection of a school hospital at the Wahpeton School, North Dakota, and amendment No. 74 appropriates $3,000 for the equipment of a laundry, workshop, and school building at said school.

Amendment No. 76 is a change of total made necessary by the adoption of prior amendments.

Amendment No. 77 appropriates $1,800 for the agent at the Fort Berthold Agency, this work having heretofore been done by the superintendent of the school, which has now been destroyed by fire.

Amendment No. 78 authorizes the sale of 640 acres of land set aside for reservation purposes at the Cheyenne and Arapahoe Agency in Oklahoma, and further authorizes the use of the money derived from such sale in improving and extending the school facilities provided for the Cheyenne and Arapahoe Indians.

Amendment No. 79 authorizes two Choctaw allottees to sell an acre of their allotments upon which alienation is restricted, the purpose of such sale being to provide a site for a church.

Amendments Nos. 80 and 83 are simply transpositions of totals.

Amendment No. 81, as passed by the Senate, directed the Secretar to disburse $100,000 of the trust funds of the Sac and Fox Indians c Mississippi for their benefit. As agreed to in conference, this pay ment is authorized in the discretion of the Secretary, in whose discr tion, also, is left the payment of a note of $6,000, which is apparentl a just charge upon the funds.

Amendment No. 82 provides for the payment of $215,000 as a fu and complete settlement of all differences growing out of all treati between the United States and the Mexican Kickapoo Indians, an provides that the receipt of said money shall be a discharge in full c all claim and demand of said Indians against the United States.

Amendments Nos. 84 and 86 are purely phraseological.

Amendment No. 87 extends the power of the Secretary of the Int rior in investigating as to the allotted lands of the Five Civilize Tribes; not merely the leasing thereof, but powers of attorney, co tracts, deeds, or agreements given in reference to the sale thereof.

Amendment No. 88 makes provision for the collection of attorney fees, where contracts therefor have been approved by the Secretary c the Interior, in actions brought to recover lands of the Five Civilize Tribes, and it makes these fees a lien upon the lands about which th action was carried on.

Amendment No. 89 authorizes the payment to one Samuel Brown c $7,384.94 from the funds of the Creek Nation, the Department havin made investigation as to the justice of this claim and reported in favc thereof.

Amendment No. 90, as agreed to in conference, provides for the pay ment to Governor Johnson, governor of the Chickasaws, of $1,500 pe year from March 4, 1906, until the day he ceases to act as such gov ernor. Governor Johnson has not drawn compensation as governo the salary heretofore fixed having been $1,500, the Chickasaw counc having passed an act increasing this compensation to $3,000, and th President not having approved the same.

Amendment No. 91 increases from $150,000 to $300,000 the appro priation for schools for children other than Indian children living i what has heretofore been the Indian Territory.

Amendment No. 92 directs the Secretary of the Interior to bring t completion by July 1, 1909, the work now being done by the Commis sion to the Five Civilized Tribes.

Amendment No. 93 appropriates $108,000 to pay the claim of th Klamath Indians for lands formerly within their reservation, bu erroneously allotted by the United States to settlers.

Amendment No. 95 increases by $100 the compensation of the ager at the Lower Brule Agency.

Amendment No. 96 increases by $400 the compensation of the ager at the Pine Ridge Agency.

Amendment No. 97 is a change of the total, made necessary b amendments Nos. 95 and 96.

Amendment No. 98, as passed by the Senate, appropriated $5,00 for the development of certain springs on the farm of the Rapid Cit School, South Dakota. The amendment, as agreed to in conferenc authorizes the Commissioner of Indian Affairs to invite proposals fo

the construction and completion of a water system for the school, to be supplied from said springs.

Amendment No. 101 authorizes the Secretary of the Interior to expend of the trust funds of the Ute Indians an amount not to exceed $75,000 to relieve their present distressed condition.

Amendment No. 102 appropriates $300,000 for payment to the Colville Indians, as provided by the agreement with them ratified in 1906.

Amendment No. 103 permits the leasing of lands of the Uintah and Uncompahgre Indians in Utah, which are susceptible of irrigation, under the supervision of the Secretary of the Interior. In receding from this amendment the House made provision for the transfer of the amendment from its erroneous place in the bill under the State of Wyoming to the proper point in the bill under the State of Utah.

Amendment No. 104 authorizes the Secretary of the Interior, with the consent of the Indians of the Wind River Reservation in Wyoming, to transfer to the Catholic Church the lands now occupied by the said church for church and school purposes.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1298.

CONDEMNED CANNON FOR STONY POINT STATE PARK, NEW YORK.

MARCH 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19418.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 19418) granting condemned cannon to Stony Point State Park, New York, report the same back to the House with the recommendation that it do pass.

This measure has been referred to the War Department for "information and remarks," and has been returned with a report that the Department has these guns on hand and that they are obsolete and have no value except as old material, and with this in view your committee recommend the bill favorably.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1299.

INCREASE OF EFFICIENCY IN THE MARINE CORPS, ETC.

MARCH 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FOSS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 19611.]

The Committee on Naval Affairs, to whom was referred H. R. 19611, a bill to further increase the efficiency of the United States Marine Corps, and for other purposes, having had the same under consideration, unanimously report the same to the House with the recommendation that it do pass.

This bill provides for the increase of 89 officers and 1,500 enlisted men and gives to the commandant of the corps the rank of major-general.

The committee, after careful consideration of the hearings, found the above increase to be an urgent necessity. During the last session of the last Congress this committee recommended an increase of 1,200 enlisted men and a corresponding increase in commissioned officers, by way of a provision in the naval appropriation bill, which provision was ruled out on a point of order. By reason of this failure in legislation the commissioned and enlisted force of the corps have been compelled to perform more strenuous and arduous duties than is required of any other branch of the service.

This is due to the fact that the scope of duty of the corps at sea, in the insular possessions, and in the continental limits of the United States has very considerably increased the requirements of the corps. At present 67 per cent of the officers and enlisted men are doing duty outside of the continental limits of the United States, the greater portion of which duty is in enervating tropical climates.

The situation as regards the majors is set forth in the following letter from the Brigadier-General, Commandant of the Marine Corps.

HEADQUARTERS U. S. MARINE CORPS,
Washington, D. C., March 9, 1908.

MY DEAR SIR: I believe it my duty to invite your personal attention to the condition of the list of majors of the line of the U. S. Marine Corps.

Out of 15 majors allowed by law, one is on protracted sick leave by order of the surgeons because of a compound fracture of the leg received in the line of duty in Cuba. Three of the 5 majors at home have just returned from a full tour of duty in the Tropics. Of the 9 majors now away from the United States 5 will soon be due to return to the United States from a full tour of foreign service.

ended close to the building. Lately, however, this pierhead line h been extended by the War Department a distance of 168 feet fa ther out in the stream, and therefore it is now possible to build t ferry slip. The erection of the slip and the reconstruction of t building are desired by the immigrant officials.

The necessity for the building is well shown in the annexed lette from the superintendent of public buildings at New York City.

OFFICE CHIEF ENGINEER AND SUPERINTENDENT, ETC.,
UNITED STATES PUBLIC BUILDINGS,
New York, February 3, 1908.

MY DEAR SIR: Referring to your personal letter of January 31, 1908, relative proposed United States Barge Office improvements in this city, I beg to reply follows:

The work referred to is needful because of the present condition of the Unit States Barge Office dock. The riprap and filling beneath said dock is greatly wash out, and within two years at most this dock should be rebuilt.

The condition of the iron shed forming the so-called Barge Office annex is w known to you and Representatives Parsons and Olcott from personal observatio It is twisted, settled, and distorted, and in the interests of public safety we have h to require the customs authorities recently to remove their records from the upp story of said building. The windows of this structure in many cases can not opened or closed because of distortion caused by uneven settlement, and the san conditions obtain as regards most of the sliding doors. I honestly believe that this structure came within the jurisdiction of the building department of the city New York we would not be allowed to use it for occupancy by hundreds of perso during business hours as we do at present.

At times the office of the United States shipping commissioner on the second flo is crowded, as is the immigrants' free labor bureau, which is on the first floor. Th condition also applies with reference to the immigrants' waiting room for friend The immigration service, the free labor bureau, the United States shipping co missioner, certain medical officers attached to the immigration service, and certai officers of the Revenue-Cutter Service, are very inadequately accommodated in th annex. Moreover, the space assigned for immigrants' baggage is outrageously sma The space assigned for immigrants' friends as a waiting room is so inadequate tha as is well known to you, thousands of immigrants' friends wait in the street outs in all sorts of weather that they may greet arriving relatives and friends.

As pertinent to the foregoing you will remember that there were landed at this p the last fiscal year 1,040,000 steerage passengers. The office of the transportati agent at Ellis Island believes that about 600,000 or more of these were landed at t Barge Office dock, and a very moderate estimate would indicate that we carried the Ellis Island ferry at least 300,000 friends and relatives of the arriving imm grants. This does not include the thousands who for business, pleasure, or instru tion visited Ellis Island, using the ferry operated between the Barge Office dock a that place. At present, there being no regular slip at the Barge Office dock, t Ellis Island ferry steamer has to make a broadside-on landing, and with a stro northwest wind and flood tide this is an extremely difficult matter, especially as will be remembered that at right angles to the axis of this dock there is operat the much-used Staten Island ferry of the city of New York, and to and from t Government basin east of said dock there runs the Governors Island ferry, mai tained by the War Department. Moreover, this easterly basin is used by t revenue-cutter boarding vessels and by the anchorage vessel of this port, and no ing but great care and skill on the part of the pilots concerned has prevented ac dents under adverse weather conditions at this most crowded landing. To reme these conditions it is proposed to build a proper ferry slip, as shown on plans you express in.

You doubtless know that already the new custom-house building is fully fill and the enormously growing commercial interests of this port will surely requi that short additional room must be provided for the accommodation of the custo service. Such additional room may be readily found if money is appropriated carry out the scheme of replacing the dilapidated iron structure on the present s of the Barge Office site, and known as the "annex," by a suitable building accor ing to plans heretofore unofficially placed in your hands. For example, the lab ing are provided with quarters in the new custom-house. The Steamboat-Inspec

Service; the Chinese inspector, Department of Commerce and Labor; the officer in charge of Naval Auxiliaries; the inspector of machinery, Navy Department; the Isthmian Canal Commission; the Life-Saving Service, superintendent of construction; the weather bureau. The foregoing offices could with propriety be removed from quarters now occupied to the proposed new building at Barge Office dock, and the new custom-house could be kept almost wholly for the customs service. All the offices named deal with marine interests, and would really be in closer touch with their fields of activity at the Barge Office, given a suitable building there, than in the custom-house or in rented quarters.

Moreover, it is well known to you and your colleagues from observation that various customs officials are now located in the Barge Office building proper in quarters entirely inadequate as regards size and arrangement for their uses.

It is for all the foregoing reasons that I believe your action in securing needful appropriations is most deserving of success.

Respectfully,

ALFRED BROOKS FRY.

Hon. WILLIAM S. BENNET, M. C.,
House of Representatives, Washington, D. C.

OFFICE CHIEF ENGINEER AND SUPERINTENDENT, ETC.,
UNITED STATES PUBLIC BUILDINGS,
New York, February 5, 1908.

SIR: Your attention is respectfully called to previous communications relative to the heavy loading of the second story of the annex of the United States Barge Office, this city, in your custody. There has been another serious settlement of the second floor over that portion of the first floor occupied by the United States Immigration Service. The removal of records from this building is proceeding very slowly. Will you kindly have said removal expedited so the records may be out at the earliest possible moment? Otherwise we may have a serious accident.

Respectfully,

ALFRED BROOKS FRY,
Chief Engineer and Superintendent.

The CUSTODIAN, UNITED STATES BARGE OFFICE,
New York, N. Y.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1281.

OBSOLETE SPRINGFIELD RIFLES, ETC., FOR ALBERT SIDNEY JOHNSTON CAMP, CONFEDERATE VETERANS OF SAN ANTONIO, TEX.

MARCH 20, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19408.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp No. 1, Confederate Veterans of San Antonio, Tex., not to exceed 50 obsolete Springfield rifles, bayonets, and bayonet scabbards for same, report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out the words "Numbered One" in lines 4 and 5, and strike out the words "any such" in line 12 and insert in lieu thereof the word "this."

Amend the title of the bill so as to read as follows:

To authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Texas, not to exceed fifty obsolete Springfield rifles, bayonets and bayonet scabbards for same.

Your committee understand that these obsolete Springfield rifles are in the hands of the War Department and are practically valueless, and they see no reason why this organization should not have a limited number of these obsolete arms to use in occasions of burials of deceased comrades and other public occasions.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1282.

AMENDING SECTION 18 OF ACT ENABLING PEOPLE OF OKLAHOMA AND INDIAN TERRITORY, TO FORM A CONSTITUTION, ETC., RELATIVE TO RECORDS PERTAINING TO CORPORATIONS.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary submitted the following

REPORT.

[To accompany H. R. 17050.]

The Committee on the Judiciary, to whom was referred House bill 17050, having considered the same, recommend the adoption of the following amendment, and as amended that the bill do pass.

Strike out all after the word "thereof" in line 11, page 2 of the bill, down to and including the word, "corporations" in line 17, on page 2, and insert in lieu thereof the following:

That all books, dockets, records, and files relating to the organization, management, and control of corporations which at the time of the approval of the act of which this act is amendatory were in the custody and possession of the clerk of the United States court of appeals for the Indian Territory shall be transferred to the custody of the secretary of state of the State of Oklahoma, and the then clerk of said court shall certify to the identity of said books, dockets, records, and files.

On February 18, 1901, by an act of Congress, certain laws of Arkansas relating to the organization and maintaining of corporations were made applicable to the Indian Territory and the clerk of the court of appeals for Indian Territory was given power to exercise the same functions as the secretary of the State of Arkansas. When the enabling act was passed authorizing Oklahoma to draft a constitution and be admitted into the United States upon the same footing with other States, to include Indian Territory, no provision in the enabling act or the amendment thereto was made for the transferring of the records pertaining to corporations, which were in the hands of the clerk of the court of appeals for the Indian Territory, to the secretary of the State of Oklahoma or to any other officer of the State. Nor was any provision made authorizing any one of the officers of the State to certify copies of the records of the corporations that had been organized or

that were doing business in the Indian Territory under the terms or provisions of the act of February 18, 1901. House bill No. 17050 is intended to remedy this by amending section 18 of the enabling act.

It is very important that some provision be passed authorizing the records, books, and files pertaining to corporations, that were in the hands of the clerk of the court of appeals for Indian Territory when the statehood proclamation was issued, to be transferred to the secretary of state and that the secretary of state be given authority to issue certificates of these records as though they were originally filed in his office. It will be apparent to all that an injustice would be done those who might desire to sue the corporations doing business in the State, or, on the other hand, if the corporation desired to sue an individual upon any contract made before the admission of the State into the Union, that before the existence of the corporation could be shown it would be necessary to have the original records.

At present there is no legal custodian of these records; that is, there is no official whose certificate of copies of same would be recognized in any of the courts. It is therefore important that these records be transferred to an official of the State, who could certify to their existence and furnish certified copies of the same whenever needed or demanded.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1283.

PAY OF MATES IN NAVY.

MARCH 20, 1908.—Committed to the Commitiee of the Whole House on the state of the Union and ordered to be printed.

Mr. OLCOTT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 4892.]

The committee on Naval Affairs, to whom was referred the bill (H. R. 4892) relating to the pay of mates in the Navy, having considered the same, report thereon with a recommendation that it do pass, with the following amendments, recommended by the Navy Department:

In line 5, after the word "thousand" strike out "three" and insert in lieu thereof "two."

In line 6 after the word "thousand" strike out "two hundred" and insert in lieu thereof "and eighty."

In line 7 after the word "hundred" insert "and sixty."

Add the following section:

SEC. 2. That mates in the service on August first, eighteen hundred and ninety-four, and who have been retired under the provisions of an act of that date, shall, after the passage of this bill, receive the same pay as retired warrant officers of like length of service at the date of retirement; and that all mates in the service shall be classed as warrant officers.

The Department's letter recommending the passage of the bill is as follows:

PAY OF MATES IN THE NAVY—DEPARTMENT LETTER.

NAVY DEPARTMENT,
Washington, February 12, 1908.

SIR: The receipt is acknowledged of a bill (H. R. 4892) "relating to the pay of mates in the Navy," and, in general, it meets with the approval of this Department. It is recommended, however, that the rates of pay therein prescribed be modified so that the pay of mates shall be as follows:

At sea $1,200
On shore duty 1,080
On leave or awaiting orders 960

The Department need hardly say that the status of mates in the Navy is in the highest degree anomalous. They have been considered as petty officers, appointed from the enlisted force, and regarded as enlisted men. This view has been reenforced by an opinion of the Attorney-General, dated July 22, 1907, in which it is held that a man who was enlisted for service in the Navy for a period of four years and was appointed as mate and continued to serve as such after the expiration of his term of enlistment without receiving any discharge, may have his appointment as mate revoked and be permitted to reenlist, with the benefit of continuous service.

This condition has, however, been complicated by a later opinion, given October 15, 1907, in which the Attorney-General holds that certain mates whose names are borne on the retired list of the officers of the Navy, having been placed there in accordance with the statute approved August 1, 1894 (28 Stat. L., 212), are entitled to advancement in accordance with the provisions of the act of June 29, 1906 (34 Stat. L., 554), to the lowest grade of warrant officers. Hence, for the purposes of retirement, certain mates are considered as officers. In the language of the Attorney-General:

"There is no doubt, I think, in view of the provisions of sections 1409 and 1410 of the United States Revised Statutes, that a person can be, at the same time, an officer of the Navy and an enlisted man."

As a further example of the singular conditions applying to mates, the Comptroller of the Treasury in a decision of January 29, 1908, relative to the pay of Mate William Jenney, U. S. Navy, retired, decided that the pay of Mr. Jenney should be that of the lowest grade of warrant officers, i. e., of the lowest pay grade. The effect of this decision is that although the act of June 29, 1906, is a beneficial statute and should be liberally construed, yet under the Comptroller's decision Mate Jenney receives absolutely no benefit whatever, his pay remaining the same as before.

Also, it may be stated that although mates are considered as enlisted men for the purposes of discharge and reenlistment, yet they are debarred from the benefits of the additional pay allowed other enlisted men for succeeding reenlistments. They are usually appointed from chief petty officers having long and creditable records who may receive a maximum pay of approximately $90 a month, but upon appointment as mate their pay drops immediately to $75 a month, notwithstanding the greater responsibilities of the position.

In order to remedy the inconsistencies in the matter of retirement it is suggested that a provision be incorporated in the bill that mates who were in the service on August 1, 1894, and intended to be benefited by that act and who have been retired under its provisions shall, after the passage of this bill, receive the same pay as now received by retired warrant officers of like length of service at the date of retirement; and that all mates in the service be classed as warrant officers.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

O

30TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1284.

REGISTRATION OF CASES OF TUBERCULOSIS IN DISTRICT OF COLUMBIA, ETC.

MARCH 20, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. OLCOTT, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 29.]

The Committee on the District of Columbia, to whom was referred the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 5, the word "suspected" and insert in lieu thereof the word "recognized."

Strike out of page 3, lines 2 and 3, the words "or the removal from any apartment or premises of a person or persons so afflicted."

Strike out of page 3, line 8, the words "or removal."

In the Fifty-ninth Congress a bill similar to this one was favorably reported by the District of Columbia Committee and passed the House on February 11, 1907.

This present Senate bill will accomplish the same result as a similar bill introduced in the House this year. The changes made by your committee and the proposed amendments are as follows:

1. Page 1, line 5, strike out the word "suspected" and insert the word "recognized." To compel every suspected case might, in the opinion of your committee, work a hardship.

2. Page 3, lines 2 and 3, strike out the words "or the removal from any apartment or premises of a person or persons so afflicted;" and

3. Page 3, line 8, strike out the word "removal."

These are deemed by your committee to be important changes for the better. The compulsion imposed upon an owner, lessee, tenant, or occupant in the absence of a physician to report cases of a person afflicted with a disease with the accompanying penalty attached is deemed entirely too drastic by your committee.

Of the general merits of the principle involved in the passage of this bill your committee has no doubt.

Tuberculosis, which was formerly supposed to be a hereditary and in most cases a fatal disease, has been shown by the developments of the last twenty-five years, since the discovery by Koch, to be caused by a bacillus, to be communicable, and if taken in time to be curable. It is now claimed, although it is communicable, it is not contagious in the ordinary sense of the word, and if proper means can be taken to guard against the infection of others, there is no danger from ordinary association with those affected by the disease.

Most of the large cities of the United States have passed laws requiring that all cases be reported to the health department, so that if any attention is necessary for preventing infection it can be given. The first attempt in this direction was made by New York City in 1894, in which the report of all cases in institutions was required and reports of private cases were requested. Many cases were reported and the results indicated the wisdom of the provision. In 1897 a law was passed requiring the report of all cases of pulmonary tuberculosis, which has since been extended to cover all cases of any form. This law also provided that it should be the duty of every person sick with the disease, and the authorities of private institutions and dispensaries, to observe and enforce all sanitary regulations of the board of health for preventing the spread of pulmonary tuberculosis.

The measure when proposed met with very decided opposition on the part of the medical societies of New York City, but a judicious enforcement has shown the wisdom of it and removed all objections to it, so that now cases are reported as a matter of course, and more than 90 per cent of all those who die from tuberculosis are found to have been previously reported. The death rate since registration was begun has shown a general decline. The number of reports made in Greater New York in 1905 was 31,963, and an inquiry of some of the principal physicians practicing under this law indicates its wisdom and efficacy. Other cities have passed similar laws at various dates since, and an investigation of the 86 largest shows that 53 of them have laws requiring the reports of all cases, and that the number enacting such laws has increased rapidly during the last three or four years because of the greater knowledge of the disease and of the necessity of its administrative control. Since 1897 New York has required reports of all cases.

The total number of deaths reported as due to consumption in the United States during the census year of 1900 was 109,750, of which 53,626 were males and 56,124 were females, and the ratio of deaths from this disease to 1,000 deaths from all known causes was 109.9. In 1890 the corresponding ratio was 122.3, which would appear to indicate that preventive efforts have accomplished tangible results. (See p. CLXXVI, Census of the United States, Vol. III.)

The vital statistics of the census of 1900, Vol. III, p. CLXXVII, also show that the death rate from consumption in the registration area was highest in the District of Columbia (3.053), nearly one-third of the deaths from all diseases being due to consumption, which is largely accounted for because of the large proportion of colored population, the population being, in 1900, 191,532 whites and 87,186 colored. The next highest rate in the registration area was in Rhode Island, where it was 1.953.

The following table, compiled from data furnished by the health department, shows that during the past ten years there were 7,942 deaths from pulmonary consumption in the District of Columbia; 3,555 white and 4,387 colored, the mortality rate among the colored population being almost three times as great as among the whites.

Deaths and death rates per 1,000 from pulmonary consumption in Washington for ten years.

Year.	Deaths.				Death rate.			
	Population.	White.	Colored.	All.	White.	Colored.	All.	Ratio, colored and white.
1897	277,782	355	464	819	1.873	5.253	2.948	2.80
1898	283,100	371	450	821	1.913	5.042	2.899	2.64
1899	288,500	377	392	769	1.900	4.351	2.665	2.30
1900	294,000	372	448	820	1.833	4.923	2.789	2.69
1901	299,600	363	449	812	1.747	4.891	2.710	2.80
1902	305,400	312	374	686	1.467	4.031	2.246	2.75
1903	311,300	355	421	776	1.631	4.493	2.492	2.75
1904	317,200	366	466	832	1.644	4.926	2.623	3.00
1905	323,123	353	473	826	1.552	4.943	2.556	3.18
1906	326,435	331	450	781	1.430	4.735	2.392	3.31

When it is remembered that consumption next to pneumonia causes the largest number of deaths, and that there is much reason for assuming that it is an infectious, communicable disease, and therefore to a great extent preventable, it is not surprising that in at least 53 of the 86 largest cities in the United States efforts have been made to limit its ravages.

Of the 15 largest cities in this country there is only 1 city besides Washington, viz, New Orleans, which has not a law requiring a report of all cases of tuberculosis, and since Washington, unfortunately, has the highest death rate from consumption of any State or city in the Union, no efforts should be spared to reduce the dangers to a minimum.

The Senate committee in 1907 held exhaustive hearings, and from the testimony of Doctor Thayer, pages 24 and 25, Senate hearing, it would appear certain that rooms or houses occupied by consumptives may prove a source of danger, unless such premises have been disinfected.

The bill properly recognizes the difficulties of making an accurate and early diagnosis without the aid of a microscopical examination of the sputa for the presence of tubercle bacilli, and hence provision is made for such an examination free of charge to all who wish to avail themselves of this diagnostic aid. This method of verification is calculated to protect the interest of the physician and patient alike from the consequences of an erroneous diagnosis.

The interests of the patient are further safeguarded by section 3 of the bill, which provides that all reports and records shall be exclusively in the custody of the health officer or deputy health officer, and shall not be divulged in such manner as to disclose the identity of the person to whom they relate except as may be necessary in carrying out the provisions of the act.

The provisions of section 4 are clearly in the interest of the patient, family, friends, and the public at large. While it is assumed that the attending physician is perfectly competent to give the necessary information concerning the methods to be employed to prevent the spread

of the disease, it will be very helpful and clearly in the interests of public health if printed instructions are supplied by the health department unless otherwise requested by the attending physician.

Section 5 is a very important provision of the bill, its purpose being to stamp out the sources of infection by compulsory disinfection of the premises after the death of the patient.

The Senate bill, section 5, directed the notification of the health department by physicians, owners, or lessees, in case of the removal of a tuberculosis patient, as well as in case of a death. This was deemed by your committee too great a hardship, and hence the second and third committee amendments.

These facts, taken in connection with what has been accomplished in the prevention of smallpox, scarlet fever, diphtheria, the combined death rate of which was less than one-third that of tuberculosis during the census year of 1900, justify the conclusion that substantial benefits will result from the passage of the bill.

Clearly such matters can not be entirely left to the discretion of the family or even the attending physician, and optional or educational methods can not alone be relied on. The records of the health office show that the department since the beginning of 1902 advised disinfection of such apartment where a death from tuberculosis had occurred and notified the physicians that this would be done free of charge whenever the health officer was authorized so to do, but the facts are that although 3,901 deaths from tuberculosis were reported from 1902 to 1906, inclusive, in only 980 instances were the premises disinfected. It is to correct this condition of things, among others, that the legislation is favored.

The general consensus of opinion of a great majority of physicians and humanitarians generally, backed by experience and approved statistics, show conclusively the value of legislation of this character.

With a positive assurance that this bill will accomplish great good your committee report the bill favorably and urge its passage with the suggested amendments.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1286.

LOCK AT SANDY LAKE RESERVOIR DAM.

MARCH 21, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURTON, of Ohio, from the Committee on Rivers and Harbors, submitted the following

REPORT.

[To accompany S. R. 17.]

The Committee on Rivers and Harbors, to whom was referred the joint resolution (S. R. 17) to amend the provision in the river and harbor act of March 2, 1907, relating to the Sandy Lake reservoir dam, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter, which sufficiently presents the facts:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 16, 1907.

SIR: I have the honor to return herewith letter dated the 12th instant from the Senate Committee on Commerce, inclosing, for the views of the War Department thereon, a proposed joint resolution (S. R. 17) relative to the reconstruction of dam at Sandy Lake reservoir.

The Sandy Lake dam is a part of the reservoir system at the headwaters of the Mississippi River. The existing dam is provided with a lock for the passage of steamboats, and its reconstruction is necessary, owing to long use and consequent deterioration of its timbers. In his annual report for 1906 the Chief of Engineers estimated that it would require $125,000 for rebuilding the dam, including the navigation lock. The river and harbor act of March 2, 1907, makes an appropriation of $75,000 for reconstructing the dam, but the appropriation item contained the words "without a lock for steamboats," which restrictive words, it is understood, were inserted when the bill was under consideration in the Senate.

The elimination of the existing lock from the new structure has been the subject of considerable protest by navigation interests, as it has been in constant use since it was originally built. The retention of the lock is considered desirable, and in his annual report for 1907 the Chief of Engineers strongly recommends that its reconstruction be provided for. The work of rebuilding the dam is now under way, and if the navigation lock is to be continued it will be necessary for Congress to remove the aforesaid restriction, and that is the object of the proposed joint resolution.

Favorable consideration by Congress is recommended.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1287.

CALL FOR INFORMATION CONCERNING INVESTIGATION OF ALLEGED PEONAGE CASES IN FLORIDA BY DEPARTMENT OF JUSTICE, ETC.

MARCH 21, 1908.—Ordered to be printed.

Mr. JENKINS, from the Committee on the Judiciary, submitted the following

ADVERSE REPORT.

[To accompany H. Res. No. 304.]

The Committee on the Judiciary have had under consideration the accompanying resolution (No. 304), and have carefully considered the same and report the same back with the recommendation that the same be indefinitely postponed.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1288.

CHANGING TITLE OF WARRANT MACHINISTS, ETC.

MARCH 21, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. GREGG, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 15463.]

The Committee on Naval Affairs, having had under consideration the bill (H. R. 15463) providing for changing the title of warrant machinists, etc., report the same with the recommendation that the bill do pass with the following amendment:

In line 7, after the word "now," insert the words "or may hereafter be," to conform with the recommendation of the Department in a letter dated February 24, 1908, as follows:

NAVY DEPARTMENT,
Washington, February 24, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 16th instant, requesting recommendation as to a bill (H. R. 15463) "providing for changing the title of warrant machinists, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant, according to law governing the promotion of other warrant officers, and for other purposes."

The title "warrant machinist" is cumbersome and undesirable.

Section 12 of the personnel act of March 3, 1899 (30 Stat., 1006), as amended by the act of April 27, 1904 (33 Stat., 346), provides for the commissioning of boatswains, gunners, carpenters, and sailmakers six years after date of warrant, to rank with but after ensign. It is believed that equal consideration should be accorded warrant machinists in the matter of promotion and remuneration.

The Department therefore recommends favorable action on this bill (H. R. 15463).

In this connection it is suggested that the words "or may hereafter be" should be inserted in line 7, providing that machinists, on promotion, shall receive the same pay and allowances as are *now* allowed chief boatswains, etc.

Very respectfully,

V. H. METCALF,
Secretary.

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

Under existing law, boatswains, gunners, carpenters, and sailmakers are, after six years' service as warrant officers, promoted to chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensign. It is intended to make similar provision

for the promotion of warrant machinists, who, by reason of the char acter of their duties and their relations to the service, are entitled to the same consideration as other warrant officers.

The designation "chief warrant machinist" would be cumbersome and inappropriate, since these officers, when promoted, would no longer be warrant officers. The title "machinist" has therefore been substituted for that of "warrant machinist," so that, on promotion, machinists will become chief machinists.

The bill corrects the anomaly sometimes arising where a warrant officer, promoted to chief warrant officer, receives as the net result of such advancement less pay than he received before promotion.

The committee believes that it is most necessary to confer the same privileges upon the warrant machinists that are held by other warrant officers, in order to keep in the service and attract thereto the high class of men required for the duties to be performed by them. Since the transfer of the Engineer Corps to the line, most of the engineer work falls upon the warrant machinists, and it is especially important that their personnel should be kept up to the standard their duties require.

The effect of this bill would be to promote 104 warrant machinists to chief machinists at a cost of about $6,408 per annum. Next year there would be but one promotion and the following year 14, providing those who have served six years pass successfully the examination required.

The passage of this bill will place all warrant officers of the Navy on the same basis as to pay and allowances. It has been twice recommended by the Navy Department, and is unanimously recommended by your committee, with amendment, as stated.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1291.

AUTHORIZING A RESURVEY OF CERTAIN TOWNSHIPS IN THE STATE OF WYOMING.

MARCH 23, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 18443.]

The Committee on the Public Lands having had under consideration the bill (H. R. 18443) authorizing a resurvey of certain townships in the State of Wyoming, report the same back with the following amendments:

In line 4, page 1, after the word "resurvey," insert the words "or retracement."

After the word "west," where it first occurs in line 14, page 2, insert "townships fifty-four to fifty-six north, ranges eighty and eighty-one west, inclusive." After the word "former," in line 21, page 2, insert the word "official," and as thus amended it is recommended that the bill do pass.

The townships, the resurvey of which is authorized by this legislation, were surveyed, as indicated in a letter of the Secretary of the Interior herewith, prior to the year 1880, and at a time when surveys were not examined in the field and when there was, therefore, no check upon the accuracy with which they were made or the thoroughness with which they were monumented, and it is notorious that under these conditions many surveys were largely paper surveys, only a few lines being actually run and monumented. Further, it is a well-known fact that even in cases where these lands were fully surveyed and monumented from twenty-five to forty years ago, owing to the character of the soil, conditions of climate, and the character of the monuments then required, such monuments have become largely or wholly obliterated.

The condition of these lands as regards former surveys is clearly indicated in a letter from the Director of the Geological Survey to the chairman of the Committee on the Public Lands, under date of March

8, 1908, in which, referring to the work of classification and valuation of coal lands, he states:

The work of classification and valuation, and, secondly, the restoration to entry of coal lands in Wyoming is greatly hampered, if not made impossible, by the poor land surveys. During the past two years the following townships containing workable coals have been examined geologically by members of this Bureau, but were not classified on account of the inability of the geologist to determine the position of the land lines.

The Director of the Geological Survey in this letter gives a list of certain lands which require resurveying, and suggests that Congress authorize the same.

On January 23, 1908, the surveyor-general for Wyoming called to the attention of the chairman of the Committee on the Public Lands of the House the necessity for these resurveys, and gave in detail the experience of his office in regard to the faulty conditions of the surveys in the townships mentioned in this bill. He also transmitted a number of letters, a few of which are appended hereto and made a part of this report. These letters, together with the information in the surveyor-general's office, in the General Land Office, and that obtained from the Geological Survey, clearly indicate the necessity of authorizing these resurveys.

Before and since introducing the bill providing for these resurveys the chairman of the Committee on the Public Lands received a considerable number of letters from people living on or in the vicinity of the lands in question calling attention to the fact that they have been unable to find Government corners in the localities in which they have settled or where they desire to settle.

The commissioner of public lands for the State of Wyoming has also called attention to the necessity for resurveys within many of these townships in order that the State may be able to locate its lands, and in a letter recently received from a gentleman who has been engaged in surveys for the last year and a half on some of the lands in question with a view to constructing a large irrigation project he calls attention to twelve townships of those described in the bill in which he and his engineers have been unable to find Government corners.

Section 2 of the bill provides that none of these resurveys shall be contracted for or executed until it shall be made to appear to the Secretary of the Interior that the former survey of said lands is so inaccurate or obliterated as to make the resurvey necessary or expedient, and the authorization contained in the bill does not render any special appropriation for the resurveys necessary as they will be executed from time to time as the Secretary may authorize out of the apportionment made to the State of Wyoming by the Secretary from the general appropriation for public land surveys.

A letter from the Secretary of the Interior approving the form of the legislation is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 1908.

SIR: In response to your request for a report on House bill 18443, "Authorizing the resurvey of certain townships in the State of Wyoming," I have the honor to inform you that this Department is in receipt of a letter from the Director of the Geological

Survey, under date of March 3, 1908, in which he urges the necessity for a resurvey of 16 of the townships mentioned in the bill as being desirable to facilitate the work of classifying lands now under withdrawal as coal lands, and asks that this office take steps to have these townships resurveyed. Aside from this letter there is nothing of record in this Department which shows the necessity for the resurvey unless it can be presumed from the lapse of time, the surveys having been made in 1880 and prior thereto, or from the fact that the surveys were not examined in the field.

The bill appears to be in proper form to effect the resurveys, but it is believed that in order to avoid complications which may affect existing claims it would be well to so modify it as to authorize either resurveys in cases where the original surveys were so defective or obliterated as to make such resurveys necessary, or to authorize retracements and reestablishments of the lines and corners established by the former survey when this may be readily done under existing rules for the restoration of lost or obliterated corners. It is, therefore, suggested that the words "or retracement" be inserted after the word "resurvey," in line 4, on page 1 of the bill, as submitted for my consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 4, 1908.

DEAR SIR: The work o classification and valuation and, secondly, the restoration to entry of coal lands in Wyoming is greatly hampered, if not made impossible, by the poor land surveys. During the past two years the following townships containing workable coals have been examined geologically by members of this Bureau, but were not classified on account of the inability of the geologist to determine the position of the land lines: T. 56 N., Rs. 80 and 81 W., sixth principal meridian; T. 55 N., Rs. 80 and 81 W., sixth principal meridian; T. 54 N., Rs. 80, 81, and 82 W., sixth principal meridian; T. 46 N., R. 100 W., sixth principal meridian; T. 16 N., Rs. 90 and 91 W., sixth principal meridian; T. 15 N., Rs. 90 and 91 W., sixth principal meridian; T. 14 N., Rs. 90 and 91 W., sixth principal meridian.

The following list shows a number of townships which have not been examined geologically, but are generally known to contain workable coal beds and the lands containing these coal beds should be surveyed, so that they may be examined and restored to entry at an early date: T. 16 N., Rs. 88 and 89 W., sixth principal meridian; T. 15 N., Rs. 88 and 89 W., sixth principal meridian; T. 14 N., Rs. 88 and 89 W., sixth principal meridian.

In view of this condition of affairs, I would respectfully suggest that Congress should authorize new surveys in this region and that sufficient funds should be appropriated to cover their cost.

Very respectfully,

GEO. OTIS SMITH, *Director.*

Hon. F. W. MONDELL,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF U. S. SURVEYOR-GENERAL, DISTRICT OF WYOMING,
Cheyenne, Wyo., March 4, 1908.

SIR: Inclosed herewith please find a copy of a letter by Hon. C. E. Hayden, Cody, transmitting to this office a petition for the resurvey of ten townships as follows, viz: Tps. 53, 54 N., R. 101 W.; Tps. 53, 54, 55, 56 N., R. 102 W.; Tps. 53, 54, 55, 56 N., R. 103 W.

A copy of the petition it also inclosed herewith.

Attention is invited to Mr. Hayden's reasons for the resurvey, to the effect that but few corners exist, and that those few are unreliable; also that by reason of this unsatisfactory condition of the public survey numerous conflicts have resulted.

This report of Mr. Hayden corroborates other reports of conditions in th townships. They are included in the bill suggested by me and forwarded to yo few weeks ago.

Have written Mr. Hayden advising him of the proposed bill.

Very respectfully,

ALPHEUS P. HANSON,
United States Surveyor-General for Wyoming

Hon. F. W. MONDELL,
Member of Congress, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF U. S. SURVEYOR-GENERAL, DISTRICT OF WYOMING,
Cheyenne, Wyo., January 23, 1908

MY DEAR MONDELL: I have prepared a map and the draft of a bill for the resurv of designated townships in this surveying district. I do not wish to be understo to assume to prepare a bill for you to introduce in Congress. I have simply prepa this, the better to make myself clear as to just what I think should be done, as I firmly of the opinion that these resurveys should be made, and at such times as t surveyor-general deems advisable. I take the position that he is better able to det mine this matter than anyone else, and that it is his duty to do so.

This bill does not provide for any additional appropriation, my idea being that t resurveys be made in the regular way from the annual appropriation from year year.

I am inclined to think that iron posts should be set for several reasons, as follo

First. The impracticability of counterfeiting.

Second. Durability and permanency.

Third. Legibility, these markings of township, range, and section rendering po tion of corners plain to settlers.

Fourth. These iron posts can be more readily found, and would convey beyo question the legality of the corners.

The reasons for the above are that it is an absolute fact that a great number local surveyors, when they are unable to find Government corners, build corn and mark them with the same markings as those used by the Government, and th same corners are adopted and used by other surveyors, supposing them to be t rightful corners.

These corners are frequently a great distance from the true position, and the eff upon the settlement and development of the country is therefore quite appare Settlers hesitate to use their right and to invest money in land when there is so question as to its exact location, there being in a great many cases two or more s of corners representing the same place, and in other instances no corners can found for miles around.

It is often the case that one settler will locate from a corner several miles aw while another settler will locate from another corner in an opposite direction, a when the two surveys come together there is always a discrepancy, which is eitl an overlap or a vacant strip left between their claims. This always leads to con sion, dissatisfaction, and, in a number of cases, litigation.

This condition is also true of the coal and timber lands, and in fact applies to locations. Capitalists hesitate to invest where there is any question as to the lo tion of the lands.

Thus you can see the endless trouble, confusion, and illegality of surveys so ma from these corners. Iron posts, if adopted, will eliminate this difficulty.

If this State is to be settled up by farmers, ranchmen, and stockmen, it is a po tive fact that these resurveys will have to be made before settlement will take pla

The townships covered by this map and bill are those in the vicinity from whi complaints have reached this office—by telephone, verbally, and by letters a petitions.

The whole country covered by these townships is gradually becoming settl Therefore, the reason for resurvey is quite apparent to you, and I have provided the bill that these resurveys be taken up from time to time, as the necessity deman As it is a very difficult matter to tell just what townships should be resurveyed fi the only way to cover that point is to have all of these townships subject to res vey, so that they may be taken up in the order of importance and in the interest home-seekers. Hence the necessity of including all of these townships in one act

As I am positive that these townships will have to be resurveyed at some futu date, and as the conditions are growing more complicated each year, it would be better to adjust the difficulty now, for, say in five years from now, or even less

adjustment of boundary lines of private land claims would be a very difficult, if not almost impossible matter.

It is a fact that every question of dispute between settlers which has been carried to the courts, has been adjusted only by resurvey by the United States Government. The courts have been unable to act in such cases on account of the lack of evidence as to the true position of the original survey, and they invariably defer action and recommend a resurvey.

Of the many petitions and letters on file in this office I am sending herewith copies of some of them in order that you may obtain an idea as to the nature of the complaints.

This office has never heard of any dissatisfaction over a resurvey from the settlers. There have been one or two cases where they have asked to have some small changes made in the resurveys. In some instances this has been done, and in others it has not. In all cases I believe the settlers are satisfied, and you know that in the Big Horn country thousands of these claims have been resurveyed, and, I believe, with perfect satisfaction to the settlers and landowners. This country embraces eighty townships of resurvey.

In the resurvey of the townships in the Big Horn basin the deputies were unable to find any corners of the old survey in the outboundaries of said townships. For instance, the deputies, starting at the southwest corner of T. 49 N., R. 93 W., and running west along the twelfth standard, found but one corner, although diligent search was made to locate the line if it had ever been run. The corner found was a closing corner just about a mile east of the Grey Bull River, and it was the only corner found on the entire line, running as far west as R. 103 W. The other 6 miles of the line has not been run, but a contract has been let for the same and they will be resurveyed next season. The corner found on the Grey Bull was something like 8 or 10 chains south of the line as run by the deputies, and, although the line from this corner was retraced on its alignment, no corners could be found.

Numerous inquiries have been made in regard to the resurvey of the three checks south of this line as far as the eleventh standard. We know of but one or two corners that have ever been found, and there is nothing to show that they are true corners, while there are a number of settlers and applicants for land in these checks on the Gooseberry and what is called the Little Buffalo basin project, which would be watered from No-Wood. This, I understand, is being held back until the resurvey can be made and the lines definitely located.

There is a great deal of trouble along the Big Horn River, where there are two and in some instances three sets of corners, with no record defining the original corners. Settlers have located their claims by the three sets of corners. I mean by that that they have not used the same set of corners. Letters from settlers report this condition to exist for 50 miles up and down the Big Horn River. The same condition exists around Jordan and also in the country around Tensleep. Now, it is a self-evident fact that if the public survey is erroneous in an interior township it is reasonable to assume that it is defective in the surrounding townships.

In the east side of the check between the eleventh and twelfth standards, the country around Mayoworth, and on north to the north part of the check, two sets of corners exist, and the settlers are having a great deal of trouble over their lands, and if not taken up and resurveyed it will likely lead to a great deal of litigation. This matter has been called to my attention by letters, and also personally by the members of the legislature from Johnson County at the last session.

In the checks south the surveys are all defective; and if we expect this country to settle up, it certainly must be resurveyed and permanent corners established whereby prospective settlers can file without danger of complications; otherwise they will not settle. I mean by that that the Government resurvey should be made before settlement.

In the southern part of the State, along the Union Pacific and south, as indicated by the map inclosed, the Government survey on the east side was made by Deputy Carpenter, and a great deal of trouble was experienced in trying to find the lines of the old survey, and when found they were so irregular and uncertain that they could not be relied upon.

Mr. Fuller, commissioner of public lands, reports to this office that a great deal of inquiry is being made in regard to the Muddy Creek country in Carbon County and that no corners can be found.

The experience of this office with surveys along the third standard parallel is that no corners could be found.

The fourth standard parallel, so far as we know, is a well-defined line, but both north and south of said line the survey is absolutely faulty.

In running the line between the fourth and fifth standards, between Rs. 100 and 101 W., the deputies found corners for 24 miles, but they were built by private surveyors, reported to me as being the Union Pacific surveyors. The deputies also

report that they have set several corners throughout the country where they were making surveys.

The townships marked with circles, from Ts. 16 to 21 N., Rs. 98 to 100 W., inclusive, are the townships that were to be resurveyed by the Geological people, or as much thereof as was necessary, so they stated. As there were no corners found on the range line west between the fourth and sixth standards for 48 miles, I have included said checks in this bill.

In the Burnt Fork and Henrys Fork country there is a great deal of complaint regarding the irregularity of the survey, and settlers have petitioned for the resurvey of that portion of the country. No corners can be found north, although a number of settlers desire to locate in that country. No corners were found by the deputy when running the line from the fourth and fifth standards between Rs. 108 and 109 W. Between the fifth and sixth standards, Rs. 108 and 109 W., a few corners were found north and south of Green River, but they were simply lying on the ground, and there was no assurance as to their proper position.

In the northwest portion of the check between the fifth and sixth standards there is a discrepancy of over 30 chains in the survey where corners can be found. There are very few corners in this country, and what few are found lead to a great deal of conflict and dissatisfaction. In the check between the fourth and fifth standards the deputy reports no closing corners found on the fifth standard when that line was retraced for about 48 miles; and the surveyors report no corners found in the country south, although settlers desire to locate in this portion of the country.

In the check between the eleventh and twelfth standards, Rs. 101 to 104 W., known as the Kirwin district, there are entries of mineral claims located and a patent survey made where the mineral surveyor reports no Government corners being found. They have been tied to mineral monuments, and one mineral monument has been tied to a Government corner by a traverse line nearly 14 miles long. This leads me to believe that the Government corner from which the mineral monuments are located is in a faulty survey.

I also desire to call your attention to the condition of the townships north of Cody, which was taken up with you by letter dated February 19, 1907, and data transmitted therewith.

I again repeat, that if this State is expected to settle up it is absolutely necessary that permanent Government corners be established before settlement.

Of course I am well aware of the deplorable condition this State is in as to erroneous, irregular, and fraudulent surveys, but that I could not help, because they were made prior to my assuming charge of the office. The surveys made during my administration, I want to say, have all been made well, and I can make them still better if the Government will furnish the iron posts and authorize resurveys made as outlined.

I believe that under the present system, where contracts are let by the surveyor-general to reliable deputies, and their work is examined by examiners detailed from the commissioner's office to inspect the work of said deputies in the field before the same is accepted and paid for, is an absolute safeguard against fraudulent or irregular surveys being made or accepted, while if surveys are made by surveyors detailed from the General Land Office, paid by the day or by contract, and the same is not to be examined, you can readily see that there is no incentive on the part of the one doing the work to use any great effort to have the work done well. They are in no way obligated to do so, while a contractor puts his money into the work under the present system, and if it is not accurately and well done he will receive no pay therefor, thus losing the amount of money he has put in on said contract and also in the way of labor performed.

The erroneous and fraudulent surveys as mentioned in this letter, and the ones complained of, were all made from twenty to twenty-five years or more ago, under a system where the surveyors knew that the work in the field would not be examined. It seems very apparent to me that it is a dangerous thing to go back now to a system that has proven so disastrous to the country, and contemplate having surveys made by surveyors who know at the time of making same that they will not be examined.

It is my candid opinion that the one thing that tends to retard the development of Wyoming is the present condition of the surveys.

It is a well-known fact that the local surveyors all over this State, when they can not find a Government corner while making surveys for private individuals, build corners and mark them as Government corners. Afterwards other surveyors run lines from these corners and they are represented as Government corners. This leads to an endless lot of trouble and dissatisfaction, and in one or two instances it has led to litigation in the courts. Now, if iron posts are adopted, you can readily

see that it will do away with that class of corners being built, as they can not imitate the iron posts made by the Government.

You will notice the inclosed correspondence dates back several years, these complaints having come in to other surveyors-general than myself.

On the inclosed map the yellow represents the townships authorized by Congress to be resurveyed, which resurveys have been nearly completed. The pink represents the resurveys authorized under settlers' petitions, which resurveys have also been made. The blue checks represent the townships which I think should be resurveyed from time to time as it appears necessary.

Very respectfully,

ALPHEUS P. HANSON,
United States Surveyor-General for Wyoming.

Hon. FRANK W. MONDELL, M. C.
Washington, D. C.

KEMMERER, WYO., *January 19, 1908.*

MY DEAR Mr. JOHNSON: Your letter of the 15th instant received, and will say my work along the fourth and fifth standard parallel has showed up very few old Government corners. There are a few S. C. corners on the fourth, and have never been able to find any C. C. corners on the fifth in alignment with S. C. corners on the fifth standard parallel. By tracing corners from the fourth north to the fifth in Rs. 118 W. and 119 W., I do not connect with the fifth (the survey you made this summer) as maps in Evanston land office shows it. I also make a shortage of 2,570 feet. I have only found three corners in Tps. 18 and 19, Rs. 118 and 119, and I worked twenty-six days in these townships this summer. Hoping this will furnish you with the information you require, but should you wish more I will gladly refer to my notes and maps to furnish such data as I possess.

With kind regards and best wishes for a happy New Year, I am, yours, truly,

LEW R. HENDERSON.

Mr. FRANK M. JOHNSON, *Cheyenne, Wyo.*

We, the undersigned, settlers in T. 12 N., R. 111 W., being located on the subdivisions of said township as indicated opposite each name, do hereby petition the honorable Commissioner of the General Land Office for a resurvey of said township, and agree to abide by the result of the resurvey when made and found acceptable to the Commissioner of the General Land Office. The reason for this request is based upon the fact that the present survey is erroneous and leads to confusion and conflict of title.

Name.	Location as per old title.		
	Section.	Township.	Range.
S. J. Heisey	2x35	12	111
Clark Logan	1, 6	12	110, 111
T. A. Welch	3x34	12	111
Maggie Mass	5	12	111
Sam H. Harvey	3x4	12	111
Phillip Mass	4x5	12	111
Rose L. Harvey	3x4	12	111
Wm. Pearson	5x6	12	111
Wm. Beach	17	12	111
Chas. Blake	6	12	111

We, the undersigned, settlers in T. 12 N., R. 112 W., being located on the
divisions of said township as indicated opposite each name, do hereby petition
honorable Commissioner of the General Land Office for a resurvey of said town
and agree to abide by the result of the resurvey when made and found acceptabl
the Commissioner of the General Land Office. The reason for this request is b
upon the fact that the present survey is erroneous and leads to confusion and con
of title.

Name.	Location as per old surve		
	Section.	Township.	Ran
Geo. W. McCarty	13	12	
G. A. Bullock	5, 6	12	
G. H. Barr	11	12	
Wm. Stoll	10, 11	12	
J. T. Watkins	8-9	12	
Sterling Summers	6	12	
Wm. M. Summers	6	12	
Mrs. L. May Custer	6	12	
W. C. Hanks	9, 10		
Ike Edwards	13	12	
David Edwards	11	12	
J. M. Stevenson	22, 23	12	
Cordelia L. Stevenson	14-22, 23	12	
Charles Carroll	12	12	
Charles Berndt	14	12	
Susan A. Vincent	12	12	
Geo. Stoll, jr	14	12	
J. B. Anson	1-2-11	12	
H. C. Stewart	14-23-24	12	
Charles Wyman	23	12	
Thos. Widdop	15	12	
Ellen Widdop	15, 22	12	
Geo. Stoll, sr	11, 14	12	

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1292.

SITE AND PEDESTAL FOR STATUE OF JOHN WITHERSPOON, IN WASHINGTON, D. C.

MARCH 23, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCALL, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. R. 6.]

The Committee on the Library, to whom was referred S. R. 6, directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of John Witherspoon, report recommending that the same do pass.

Dr. John Witherspoon was the president of Princeton College and was elected as a delegate to the Continental Congress from New Jersey. On the 4th of July, 1776, he made a notable speech in support of the Declaration of Independence, and he was the only clergyman who signed that great instrument. It is no exaggeration to say that he was one of the foremost men in the Continental Congress, and he rendered invaluable service throughout the whole period of the war. His fame still retains sufficient vitality to lead public-spirited citizens to subscribe to erect a statue in his memory. All Congress is asked to do is to prepare the site and the pedestal and to appropriate $4,000 for that purpose. The statue itself will cost about $20,000, of which $17,000 have already been subscribed.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1293.

INDIAN APPROPRIATION BILL.

MARCH 23, 1908.—Ordered to be printed.

Mr. SHERMAN, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 15219.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15219, an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, and 104, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit

of the tribes respectively owning the said land and improvements, a immediately after any such sale patents for the realty thus sold shall made and delivered in the same manner as now provided by law for oth tribal property: Provided, That when practicable preference right sha be given to the State, counties, and municipalities of Oklahoma to pu chase said lands and improvements at the appraised value: And pr vided, That pending such appraisement and sale the Secretary of t Interior may temporarily lease said buildings and lands for the bene of the tribes respectively to which they belong.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment the Senate numbered 5, and agree to the same with an amendme as follows:

In line 2 after the word "and" strike out the words "purchase of" and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment the Senate numbered 12, and agree to the same with an amendme as follows:

Strike out all of said amendment and correct the total so as to rea *In all, two million one hundred and fifteen thousand dollars;* and t Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment the Senate numbered 17, and agree to the same with an amendme as follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is hereby authorized to se a special Indian agent, or other representative of his office, to visit a Indian tribe for the purpose of negotiating and entering into a writt agreement with such tribe for the commutation of the perpetual annuiti due under treaty stipulations, to be subject to the approval of Congres and the Commissioner of Indian Affairs shall transmit to Congress sa agreements with such recommendations as he may deem proper.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendme of the Senate numbered 27, and agree to the same with an amen ment as follows:

Strike out the word "ninety" and insert in lieu thereof the wo *eighty-five;* and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendme of the Senate numbered 28, and agree to the same with an amen ment as follows:

In line 4 strike out the word "may" and insert in lieu thereof t word *shall.*

In the same line strike out the words "from this" and in line the word "appropriation."

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows:

At the end of said amendment add the following:

: Provided, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary.

And the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

After the word "reservation" in line 10 add:

Provided, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe.

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In line 2, after the word "authorized," insert the words *in his discretion*, and in line 6, after the word "purchase," strike out the words "in his discretion,".

In line 9, after the word "Iowa," strike out the balance of said amendment.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment the Senate numbered 39, and agree to the same with an amendm as follows:

In line 2, after the word "to," strike out the words "use and;" a the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment the Senate numbered 42, and agree to the same with an amendm as follows:

In line 2 strike out the words "and directed" and insert in l thereof the words *in his discretion;* and the Senate agree to the sa

Amendment numbered 43:

That the House recede from its disagreement to the amendmen the Senate numbered 43, and agree to the same with an amendm as follows:

After the word "conclusive" in line 10 insert:

Provided, That the expense thereof shall be paid out of the mon found due said Indians in said cause.

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment the Senate numbered 51, and agree to the same with an amendm as follows:

In line 1, after the word "implements," insert the words *ot equipment.*

In line 9, after the word "Interior," insert the words *Provided, T said expenditures shall be made.*

And the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment the Senate numbered 53, and agree to the same with an amendm as follows:

In line 4, after the word "upon," insert *public lands, if available, the judgment of the Secretary of the Interior, or upon;* and the Sen agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment the Senate numbered 59, and agree to the same with an amendm as follows:

Strike out all of said amendment after the word "make," in line and insert in lieu thereof the following:

such arrangement and agreement in reference thereto as said Secret deems for the best interest of the Indians: Provided, That no lien charge for construction, operation, or maintenance shall thereby created against any such reserved lands: And provided further, Tha meet the necessary cost of carrying out this legislation the Secretary of Interior is authorized to expend, out of the sum appropriated in this for irrigation, an amount not exceeding thirteen thousand dollars.

And the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In line 2 strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following: *For construction of concrete walk, driveways and grading, two thousand five hundred dollars;* and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 1 strike out the word "twenty" and insert in lieu thereof the word *six;* and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In line 2 strike out the word "five" and insert in lieu thereof the word *three;* and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows:

Strike out all of said amendment and correct the total so as to read: *In all, thirty-six thousand seven hundred dollars;* and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In line 2, after the word "Jack," insert the words *Choctaw allottees;* and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In line 2 strike out the words "and directed" and insert in lieu thereof the words *in his discretion.*

At the end of said amendment add:

: Provided further, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of

six hundred dollars, in full settlement of a promissory note given Mo-ko-ho-ko and Ke-wa-quah, chiefs of the Sac and Fox Indians, Ketch-e-Cush, a councilman.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendm of the Senate numbered 84, and agree to the same with an ame ment as follows:

Strike out all of proposed amendment, and on page 36, in line after the word "patents," strike out "and conveying," and in 22 strike out the word "same;" and the Senate agree to the sa

Amendment numbered 88:

That the House recede from its disagreement to the amendm of the Senate numbered 88, and agree to the same with an ame ment as follows:

Strike out all of said amendment and insert:

That contracts heretofore or hereafter made by and between pers stricken by the Secretary of the Interior from the final rolls of the Civilized Tribes, and attorneys employed by them to secure their resto tion to said rolls, are hereby declared valid and enforcible and when s contract approved as hereinafter provided shall have been recorded the county where such land is located shall be a lien, in the event of restoration of said persons to the rolls, against allotted lands or tri funds of the persons so restored to, or given the rights upon the said ro if such contracts are approved by the Secretary of the Interior in th original or such modified form as he may deem equitable, and not otherw Provided, That the name of no person stricken from the final roll by Secretary of the Interior shall be restored to said roll who was not or nally entitled under the law to be enrolled.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment the Senate numbered 90, and agree to the same with an amendm as follows:

Strike out all of said amendment and insert:

That the Secretary of the Interior is hereby authorized and directed pay out of the Chickasaw fund to D. H. Johnson, governor of the Chic saw Nation, compensation for his services as such governor, at the rat fifteen hundred dollars per annum from March fourth, nineteen hund and six, so long as he shall legally serve as such governor.

And the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment the Senate numbered 92, and agree to the same with an amendm as follows:

Strike out all of said amendment and insert in lieu thereof: ", the Secretary of the Interior is directed to so disburse this appropriation to complete said work by July first, nineteen hundred and nine;" and Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

Strike out the word "six" and insert in lieu thereof the word *five;* and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word *two;* and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert in lieu of the amount proposed *twelve thousand dollars;* and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a six-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress.

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding seventy-five thousand dollars, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the absentee Utes, and the amount so expended for each individual absentee shall be made a matter of record to be charged against and deducted from the share said absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe.

And the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows:

On line 3 of said amendment strike out "Uinta" and insert Uintah.

Transpose entire amendment to page 48 and place after ame
ment 101.

And the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the Hous
MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Senat

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The Senate made 104 amendments to the bill and added to the amo appropriated, in round figures, $1,800,000. In conference the Se has agreed to recommend receding from 26 amendments and has sented to the modification of many others, so that of the amount the was increased in the Senate the conferees propose to recede fr something over one million dollars and to leave in the bill an incre of something less than eight hundred thousand dollars.

The Senate receded from amendments Nos. 21, 22, 23, 24, 52, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100, leaving the bill, in so far as these amendments are concerned, the form in which it passed the House.

The House receded from Senate amendments Nos. 1, 2, 3, 6, 7, 8 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, and 104, and from all other amendments the House receded w amendments.

Amendments Nos. 1, 7, and 8 make immediately available a part the appropriation for allotments under the act of 1887 and for irrigat and survey and subdivision of Indian reservations.

Amendment No. 2 authorizes the purchase of supplies and the lett of contracts for irrigation work, where the expenditure does not exc $5,000, without advertisement. This provision in substance has b in the Indian appropriation bill for ten years or more, but with limitation as to amount. The provision has been of convenience value, especially where work was to be done on reservations rem from trade centers.

Amendment No. 3 provides that where a new bond is required an officer of the Bureau the old bond may be canceled.

Amendment No. 4, as agreed to in conference, grants authority the Secretary of the Interior to dispose of buildings and lands owned by any of the Five Civilized Tribes and heretofore used tribal and school purposes, and to deposit the proceeds to the credi the several tribes in the Treasury. The amendment also provides t pending a sale of such property the same may be leased for the ben of the tribe affected.

The appropriation for "ditches and reservoirs," as presented to House, contained the words "and so forth," and these words hav been stricken out in the House, amendment No. 5 inserts the wo

"irrigating tools and appliances," which was intended to be covered by the objectionable words stricken out.

Amendments Nos. 6 and 9 are corrections in phraseology.

Amendment No. 10 increases by $15,000 the amount appropriated for suppression of the liquor traffic.

Amendment No. 11 increases by $100,000 the amount appropriated for the support of day and industrial schools.

Amendment No. 12 is the correction of total made necessary by the adoption of the previous amendments.

Amendment No. 13 authorizes the Commissioner of Indian Affairs to conduct experiments in reference to soil, climate, cultivation of grain and vegetables, etc., on school and agency farms.

Amendments Nos. 14 and 15 strike out words which were believed to be superfluous, and do not change the intent of the provisions.

Amendment No. 16 authorizes officers who have the disbursement of funds for Indians to deposit them in any convenient national bank, providing the officers making such deposits require from the bank so used a sufficient indemnity bond.

Amendment No. 17 authorizes the Commissioner of Indian Affairs to negotiate agreements with any Indian tribe having a present agreement with the United States for perpetual annuities for the surrender of these perpetual annuities, such agreements to be effective only when approved by Congress.

Amendments Nos. 18, 19, and 20 make continuous certain administrative features of the bill, which, with the exception of No. 20, have been in the Indian appropriation bill for many years.

Amendments Nos. 25 and 26 make provision for the appointment of practical farmers and practical stockmen, subject only to such examination as the Secretary of the Interior prescribes.

Amendment No. 27 increases by $10,000 the appropriation for contingent expenses.

Amendment No. 28 provides for the Government paying the premium for bonds which it requires of disbursing officers.

Amendment No. 29 appropriates $9,000 and makes it immediately available for the improvement of the power and heating plant at the Phoenix, Ariz., school.

Amendment No. 30 is a change of total made necessary by the adoption of amendment No. 29.

Amendment No. 31 appropriates $50,000 for purchasing homes for the Indians of northern California, provided that it is expressly understood that this shall be the final appropriation for this purpose.

Amendment No. 32 reappropriates $1,000 unexpended balance, heretofore appropriated, for the purpose of removing obstructions in the bed of a stream flowing through the Round Valley Reservation, in California.

Amendment No. 33 appropriates $10,000 for the construction of a wagon road for the use of the Indians of the Hoopa Valley Indian Reservation in California. The amendment as modified in conference provides that no part of this sum shall be expended until the proper officers of the Bureau shall certify that the amount herein appropriated will fully complete the work under contemplation.

Amendment No. 34 appropriates $15,000 to be expended by the Secretary of the Interior for the use of the Yuma and Colorado River Indians, and provides that the amount thus expended shall be reim-

bursed to the Treasury from the sale of lands provided for in t amendment.

Amendment No. 35 provided for the setting apart of a certain p tion of the Coeur d'Alene Reservation in Idaho, for a public pa transferring the same to the State of Idaho, and made appropriat for the payment to the Indians in compensation therefor. The ame ment as agreed to in conference authorizes the Secretary of the Inter to sell the land therein described to the State of Idaho for park p poses upon receiving therefor such compensation as the Secretary the Interior considers adequate, the amount so received to be held the use and benefit of the Indians whose land is taken.

Amendment No. 36 authorizes the issuance of a patent to the E copal Church for certain lands now occupied by said church for chu purposes on the Coeur d'Alene Reservation in Idaho, the patent to issued only upon the consent of the Indians.

Amendment No. 37 makes available for the next fiscal year the un pended balance of an appropriation heretofore made for the survey the Lemhi Reservation in Idaho.

Amendment No. 38, as it passed the Senate, directed the Secret of the Interior to expend $62,000 out of the funds of the Sac and F Indians, held in trust, in the manner described in the amendment the benefit of said Indians. As agreed to in conference, this ame ment authorizes such expenditure in the discretion of the Secretary the Interior.

Amendment No. 39 is really a part of amendment No. 38, but it auth izes the further expenditure of $5,000 for the benefit of the sa Indians in the manner described in the amendment.

Amendment No. 40 appropriates $600 for the purpose of putting respectable condition an old Indian cemetery in Kansas.

Amendment No. 41 authorizes the Secretary of the Interior to out highways on a section of land in the Pottawatomie Reservatior Kansas. It does not involve any expense on the part of the Governme

Amendment No. 42, as passed by the Senate, directed the Secret of the Interior to pay to the Iowa Indians in Kansas the balance their trust fund in the Treasury. The amendment, as agreed to conference, authorizes the Secretary, in his discretion, to make s payment.

Amendment No. 43 authorizes the Secretary of the Interior to m a roll of the Ottawa and Chippewa Indians who are entitled to part pate in the funds to which the Court of Claims has held that they entitled. In the conference a provision was added to this amendm charging the fund with the expense of making the roll.

Amendment No. 44 makes appropriation for the pay of the Ind agent at the White Earth Agency, Minn. Amendment No. 45 i change of total made necessary by amendment 44.

Amendment No. 46 is a reenactment of a provision in the last ap priation bill providing for a payment out of the funds of the Chippe of Minnesota. By error in the last bill these Indians were descri as "the Chippewas of Mississippi." This amendment is simply to rect that error.

Amendment No. 47 authorizes the Secretary of the Interior to the expenses, out of the funds of the White Earth band, for an ann celebration which this band is accustomed to hold and which celebrat is rather in the nature of a fair than anything else.

Amendment No. 48 modifies a statute providing for the payment of annual installments to the Red Lake Indians in the spring instead of in the fall.

Amendment No. 49 increases by $300 the compensation to be paid the Indian agent at Fort Berthold Agency, Mont. The House receded instead of the Senate.

Amendment No. 50 appropriates $10,000 for the construction of a saw and flour mill for the Flathead Indians to take the place of one destroyed by fire, the amendment providing that the amount thus expended should be reimbursed to the Treasury from the sale of lands of these Indians, to be made after allotments are completed.

Amendment No. 51 makes an appropriation of $25,000, to be expended in the purchase of machines, tools, animals, etc., for the Fort Belknap Indians in Montana, and provides that said money shall be reimbursed to the Treasury from the proceeds of the sale of lands now being made.

Amendment No. 53, as passed by the Senate, made an appropriation of $30,000, to be expended in the discretion of the Secretary of the Interior, to locate the Rocky Boy's band on some reservation where the Indians on the reservation would agree to the same. As agreed to in conference, provision is made for locating these Indians upon public lands if there be suitable public lands available in the judgment of the Secretary of the Interior.

Amendment No. 59 makes provision for charging Indian lands, directly benefited by irrigation work done by the Reclamation Service, with their proportion of the cost of such work, but especially provides that no lien shall be created against the lands which would by any possibility deprive the Indians of the title thereto. The amendment also authorizes the Secretary of the Interior to pay from the general irrigation fund, appropriated in this bill, the maintenance charge within the prescribed limit for a given period for this service.

Amendment No. 67 is simply a transposition.

Amendment No. 70 appropriates $5,000 for the purchase of live stock, seeds, farm implements, and machinery for the Wahpeton Indian School, North Dakota, and amendment No. 71 appropriates $2,500 for the making of walks and driveways and grading at the same school.

Amendment No. 72 makes an appropriation of $6,000 for the erection of a school hospital at the Wahpeton School, North Dakota, and amendment No. 74 appropriates $3,000 for the equipment of a laundry, workshop, and school building at said school.

Amendment No. 76 is a change of total made necessary by the adoption of prior amendments.

Amendment No. 77 appropriates $1,800 for the agent at the Fort Berthold Agency, this work having heretofore been done by the superintendent of the school, which has now been destroyed by fire.

Amendment No. 78 authorizes the sale of 640 acres of land set aside for reservation purposes at the Cheyenne and Arapahoe Agency in Oklahoma, and further authorizes the use of the money derived from such sale in improving and extending the school facilities provided for the Cheyenne and Arapahoe Indians.

Amendment No. 79 authorizes two Choctaw allottees to sell an acre of their allotments upon which alienation is restricted, the purpose of such sale being to provide a site for a church.

Amendments Nos. 80 and 83 are simply transpositions of totals.

Amendment No. 81, as passed by the Senate, directed the Secretar to disburse $100,000 of the trust funds of the Sac and Fox Indians o Mississippi for their benefit. As agreed to in conference, this pay ment is authorized in the discretion of the Secretary, in whose discre tion, also, is left the payment of a note of $6,000, which is apparentl a just charge upon the funds.

Amendment No. 82 provides for the payment of $215,000 as a ful and complete settlement of all differences growing out of all treatie between the United States and the Mexican Kickapoo Indians, an provides that the receipt of said money shall be a discharge in full o all claim and demand of said Indians against the United States.

Amendments Nos. 84 and 86 are purely phraseological.

Amendment No. 87 extends the power of the Secretary of the Inte rior in investigating as to the allotted lands of the Five Civilize Tribes; not merely the leasing thereof, but powers of attorney, con tracts, deeds, or agreements given in reference to the sale thereof.

Amendment No. 88 makes provision for the collection of attorneys fees, where contracts therefor have been approved by the Secretary o the Interior, in actions brought to recover lands of the Five Civilize Tribes, and it makes these fees a lien upon the lands about which th action was carried on.

Amendment No. 89 authorizes the payment to one Samuel Brown o $7,384.94 from the funds of the Creek Nation, the Department havin made investigation as to the justice of this claim and reported in favo thereof.

Amendment No. 90, as agreed to in conference, provides for the pay ment to Governor Johnson, governor of the Chickasaws, of $1,500 pe year from March 4, 1906, until the day he ceases to act as such gov ernor. Governor Johnson has not drawn compensation as governor, the salary heretofore fixed having been $1,500, the Chickasaw counci having passed an act increasing this compensation to $3,000, and th President not having approved the same.

Amendment No. 91 increases from $150,000 to $300,000 the appro priation for schools for children other than Indian children living i what has heretofore been the Indian Territory.

Amendment No. 92 directs the Secretary of the Interior to bring t completion by July 1, 1909, the work now being done by the Commis sion to the Five Civilized Tribes.

Amendment No. 93 appropriates $108,000 to pay the claim of th Klamath Indians for lands formerly within their reservation, bu erroneously allotted by the United States to settlers.

Amendment No. 95 increases by $100 the compensation of the agen at the Lower Brule Agency.

Amendment No. 96 increases by $400 the compensation of the agen at the Pine Ridge Agency.

Amendment No. 97 is a change of the total, made necessary by amendments Nos. 95 and 96.

Amendment No. 98, as passed by the Senate, appropriated $5,00 for the development of certain springs on the farm of the Rapid Cit School, South Dakota. The amendment, as agreed to in conference, authorizes the Commissioner of Indian Affairs to invite proposals fo

the construction and completion of a water system for the school, to be supplied from said springs.

Amendment No. 101 authorizes the Secretary of the Interior to expend of the trust funds of the Ute Indians an amount not to exceed $75,000 to relieve their present distressed condition.

Amendment No. 102 appropriates $300,000 for payment to the Colville Indians, as provided by the agreement with them ratified in 1906.

Amendment No. 103 permits the leasing of lands of the Uintah and Uncompahgre Indians in Utah, which are susceptible of irrigation, under the supervision of the Secretary of the Interior. In receding from this amendment the House made provision for the transfer of the amendment from its erroneous place in the bill under the State of Wyoming to the proper point in the bill under the State of Utah.

Amendment No. 104 authorizes the Secretary of the Interior, with the consent of the Indians of the Wind River Reservation in Wyoming, to transfer to the Catholic Church the lands now occupied by the said church for church and school purposes.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1298.

CONDEMNED CANNON FOR STONY POINT STATE PARK, NEW YORK.

MARCH 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19418.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 19418) granting condemned cannon to Stony Point State Park, New York, report the same back to the House with the recommendation that it do pass.

This measure has been referred to the War Department for "information and remarks," and has been returned with a report that the Department has these guns on hand and that they are obsolete and have no value except as old material, and with this in view your committee recommend the bill favorably.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1299.

INCREASE OF EFFICIENCY IN THE MARINE CORPS, ETC.

MARCH 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Foss, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 19611.]

The Committee on Naval Affairs, to whom was referred H. R. 19611, a bill to further increase the efficiency of the United States Marine Corps, and for other purposes, having had the same under consideration, unanimously report the same to the House with the recommendation that it do pass.

This bill provides for the increase of 89 officers and 1,500 enlisted men and gives to the commandant of the corps the rank of major-general.

The committee, after careful consideration of the hearings, found the above increase to be an urgent necessity. During the last session of the last Congress this committee recommended an increase of 1,200 enlisted men and a corresponding increase in commissioned officers, by way of a provision in the naval appropriation bill, which provision was ruled out on a point of order. By reason of this failure in legislation the commissioned and enlisted force of the corps have been compelled to perform more strenuous and arduous duties than is required of any other branch of the service.

This is due to the fact that the scope of duty of the corps at sea, in the insular possessions, and in the continental limits of the United States has very considerably increased the requirements of the corps. At present 67 per cent of the officers and enlisted men are doing duty outside of the continental limits of the United States, the greater portion of which duty is in enervating tropical climates.

The situation as regards the majors is set forth in the following letter from the Brigadier-General, Commandant of the Marine Corps.

HEADQUARTERS U. S. MARINE CORPS,
Washington, D. C., March 9, 1908.

My DEAR SIR: I believe it my duty to invite your personal attention to the condition of the list of majors of the line of the U. S. Marine Corps.

Out of 15 majors allowed by law, one is on protracted sick leave by order of the surgeons because of a compound fracture of the leg received in the line of duty in Cuba. Three of the 5 majors at home have just returned from a full tour of duty in the Tropics. Of the 9 majors now away from the United States 5 will soon be due to eturn to the United States from a full tour of foreign service.

You will see from this statement that at least 3 extra majors are necessary in ord that only a fair share of foreign and tropical duty may fall upon officers of this ran in the Marine Corps.

I have written this to you in fairness to the battalion commanders.

Very sincerely,

G. F. ELLIOTT,
Brigadier-General, Commandant.

Hon. GEO. EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

At present, of the 72 captains of the line, less than one year of dut in the United States can be allowed between tours of duty away fro the United States. A great number of officers have already complete their tours of foreign duty and can not be relieved, as there are present but one-third of the force of officers and men to relieve t two-thirds away from the United States.

Many cases were brought to the attention of the committee whe officers were compelled to return to tropical service after a few month duty at home. At present there are no second lieutenants, who hav been turned over for duty, doing duty in the United States. Notwit standing this, at some of the smaller posts at home, no commissione officer can be detailed for duty, the protection of the Government pro erty at such posts being left to a noncommissioned officer. The wor ing strength of the commissioned personnel of the Marine Corps not diminished by reason of details for special duty at colleges with the militia. The hearings developed that the commandants the various navy-yards and stations are constantly requesting an increa in the number of officers and enlisted men for duty at their posts.

Because of the shortage of officers in the quartermaster's and pay master's departments, officers of the line are, at present, detailed f that duty, and frequently this duty is in addition to their line dutie This staff duty makes these line officers responsible for Governme funds and stores amounting to thousands of dollars. Under the la these line officers are not bonded, and any loss to the Governme would simply subject the offending officers to trial by court-marti without any financial liability on their part to reimburse the Gover ment for the loss. The necessity for bonded officers in the sta department seems to be a pressing one.

In the consideration of the increase of the enlisted force the atte tion of the committee was drawn to the fact that the enlisted man the Marine Corps is at present compelled to do guard duty, day and day off; that is, he is on post eight hours every other day durin the entire year; and during his off day he is compelled to attend dril and perform necessary police work incident to garrison life. In th Army, duty of this character is prohibited. The Army Regulatio require that men must have five days between tours of guard duty The guard duty performed by the Marine Corps is very arduous, they not only protect from fire and theft the property of the corp but millions of dollars' worth of uninsured Government property the various navy-yards and stations are under their protection.

Like the officers, 67 per cent of the enlisted men are doing dut away from the United States and only 33 per cent are at home avai able for their relief. In the Philippine Islands alone there are 25 enlisted men who have already served over two and one-half years that enervating climate with no prospect of relief unless provided b

this legislation. It is the judgment of the committee that such a condition is conducive to serious illness, discontent, and serious impairment to the efficiency of the service.

In recommending the increase, the committee has taken into consideration only the absolute needs of the service to relieve the present situation. No effort is made by this bill to make the guard duty comply with the conditions as they exist in the Army, but simply to allow two days between tours of guard duty, and to provide the strength of command at each post that is necessary to guard Government property and provide efficient service.

In the consideration of the office of commandant of the corps the committee recommends that the rank be raised to a major-general in lieu of a brigadier, by reason of the strength of command, and thereby placing that office on an equal footing in rank, as the other branches of the naval and military services for a like strength of command. The heads of the various bureaus of the Navy Department have the corresponding rank of major-general in the Army, and an officer of the Army charged with the responsibility of like strength of command as the commandant of the Marine Corps, has the rank of major-general. The last commandant of the corps was a major-general when the strength of command was but 211 officers and 6,812 men, while the present strength is 278 officers and 8,771 men. If the present bill becomes a law the strength will be 367 officers and 10,271 men. The major-general's command in the Army is 9,232 men.

The following is a table showing distribution of the enlisted strength of the United States Marine Corps:

Stations, etc.	Present strength.	Stations, etc.	Present strength.
Staff offices	128	Philippine Islands	1,122
Annapolis, Md	204	Port Royal, S. C	27
Charleston, S. C	78	Portsmouth, N. H	79
Boston, Mass	190	Puget Sound, Wash	187
Culebra, P. R	81	San Francisco, Cal	66
Guam, L. I	99	San Juan, P. R	92
Guantanamo, Cuba	48	Sitka, Alaska	43
Honolulu, Hawaii	50	Naval Hospital, Virginia	12
Iona Island, N. Y	12	Washington, D. C. (including band and apprentices)	a 336
Isthmian Canal Zone	252	On recruiting duty	83
Key West, Fla	34	Peking, China	124
League Island, Pa	a 276	Yokohama Hospital, Japan	13
Mare Island, Cal	a 350	Cuba	1,016
Midway Islands	17	Receiving ships	443
Narragansett Bay, Newport, R. I	78	Cruising vessels	2,237
Naval Home, Philadelphia, Pa	83	Naval Prison, Portsmouth, N. H	0
Navy-yard, District of Columbia	148	New London, Conn	0
New Orleans, La	21		
New York, N. Y	a 428		
Norfolk, Va	a 322	Total	8,771
Pensacola, Fla	92		

a Recruit depot.

At the present time there are on shore in the United States 3,184 enlisted men, while there are on shore outside the United States 2,907, and on cruising vessels 2,237, making a total of 5,144 men to be relieved by 3,184.

The following is a statement showing the increase under the annual appropriations of this department as proposed in House bill (H. R. 19611) increasing the number of officers and enlisted men of the Marine Corps:

Additional officers:	
Major-general, commandant, in lieu of present brigadier-general, commandant	
Majors of the line	
Captains of the line	
First lieutenants of the line	
Second lieutenants of the line	
Assistant quartermasters, captains	
Assistant paymasters, captains	
Total	
Additional enlisted men:	
Sergeants-major	
Quartermaster-sergeants	
First sergeants	
Sergeants	1
Corporals	2
Drummers	
Trumpeters	
Privates	1,0
Total	1,5
Increase of appropriation, Marine Corps, Quartermaster's Department:	
Provisions	112,5
Clothing	112,5
Fuel	22,5
Military Stores	82,5
Transportation and recruiting	45,0
Repairs of barracks	15,0
Forage	3,0
Commutation of quarters	15,0
Contingent	75,0
Total	483,0

The following is a statement showing the increase under the annu appropriations for pay of the Marine Corps as proposed in Hou bill (H. R. 19611) increasing the number of officers and enlisted men the Marine Corps, as follows:

	Rate.	Amou
1 major-general, commandant		a $2,
3 majors	$2,500	7,
35 captains	1,800	63,
15 first lieutenants	1,500	22,
26 second lieutenants	1,400	36,
6 captains, assistant quartermasters	2,000	12,
2 captains, assistant paymasters	2,000	4,
2 paymasters' clerks, not Marine Corps	1,400	2,
4 sergeants-major	[illegible]	1,
8 quartermaster-sergeants	468	12,
40 first sergeants	300	12,
108 sergeants	216	23,
27 corporals	180	4,
20 drummers	156	3,
20 trumpeters	156	3,
1,000 privates	156	156,
Total		413,
Longevity increase due to resulting promotions		1,
Total annual increase on account of pay		415,
Ten per cent for longevity service of officers		7,
Twenty per cent for longevity service of men		15,
Travel allowance on discharge		12,
Undrawn pay		8,
Mileage, recruiting service		10,
Commutation of quarters		7,
Total annual increase in appropriation for pay of the Marine Corps		474,

a Difference between $2,500 and $2,500.

SUMMARY.

Pay, officers, active list	$161,840
Pay, enlisted men, active list	287,328
Undrawn clothing	8,000
Mileage, recruiting, etc	10,000
Commutation of quarters	7,000
Total annual increase in appropriation for pay of the Marine Corps	474,168

Number of enlisted men of the line authorized in United States Army.

Signal Corps	1,212
15 regiments of cavalry	13,196
6 regiments of Field Artillery	5,245
Coast Artillery Corps	19,321
30 regiments of infantry	25,650
Total	64,624

Proportion of officers to enlisted men in the Army as compared with the Marine Corps.

	Army.		Marine Corps.	
	Officers.	Enlisted men.	Officers.	Enlisted men.
Lieutenant-general	1	64,624	.....	.....
Major-general	1	9,232	.....	.....
Brigadier-general	1	3,801	1	8,771
Colonel	1	996	1	1,461
Lieutenant-colonel	1	964	1	1,461
Major	1	331	1	585
Captain	1	66	1	122
First lieutenant	1	66	1	103
Second lieutenant	1	82	1	122

Comparative number of officers in staff of Army and Marine Corps.

	Army.	Marine Corps.
Brigadier-generals	6	.....
Colonels	22	3
Lieutenant-colonels	31	3
Majors	74	6
Captains	112	9

After a careful consideration of the provisions of this bill, it is the opinion of this committee that the need of this legislation is pressing, and unanimously recommend that the bill do pass.

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60TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 1300.

PROVIDING FOR AN ENLARGED HOMESTEAD.

MARCH 24, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 18970.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 18970) providing for an enlarged homestead, report the same back with the following amendments:

At the end of line 6 and the beginning of line 7, page 1, strike out the words "North Dakota."

In line 7, page 2, strike out the words "now occupying" and insert the word "of."

In line 8 of the same page, strike out the word "hereinafter" and insert the word "herein."

At the end of line 8 and the beginning of line 9, page 2, strike out the words "heretofore entered by him."

Strike out all of section 6.

And as thus amended it is recommended that the bill do pass.

In the message of the President of the United States communicated to the two Houses of Congress at the beginning of the present session of Congress, speaking of the present land laws and of the conditions in the territory to which they apply, he said:

> The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the dryer regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support.

This is the latest official statement of a condition which has been widely recognized in the West for years past, and the bill now reported is the result of an earnest and painstaking effort to provide a law which more adequately fits conditions over a large portion of the remaining public lands than the present 160-acre homestead law.

While the bill enlarges the area of a homestead entry with a view of including an area large enough to support a family upon the character of lands to which its provisions apply, it is, on the other hand, a

number of years that would be required to absorb the remaining unreserved and unappropriated public lands in these States and Territories at the present rate of final homestead entries.

	Area final homestead entries.	Total area vacant public lands.	Years required to absorb land at present rate.
	Acres.	*Acres.*	
Arizona	12,467	45,571,305	3,655
California	60,770	30,391,048	500
Colorado	145,677	28,472,203	195
Idaho	176,548	30,989,840	113
Montana	185,790	51,398,631	277
New Mexico	165,608	49,890,637	301
Nevada	6,981	61,204,087	877
Oregon	127,410	19,739,649	155
Utah	6,436	38,279,631	5,948
Washington	333,423	6,260,980	188
Wyoming	106,400	36,726,337	345
Total	1,327,510	398,924,348	.....

It is true as stated above that there has been some increase in original homestead entries in some of these States and Territories during the past few years; the increase in some districts being quite marked, while other districts show a continued falling off. The very strongest possible proof, however, of the inadequacy of the present 160-acre homestead law to produce permanent settlement lies in the constantly decreasing number of final, compared with original, homestead entries, for the final entry and the passing of the lands into the hands of the homesteader after five years' residence is the best proof that conditions are such as to make it possible for the homesteader to maintain himself upon his land.

In the early years of the homestead law a large portion of the original entries became final. Conditions were such on the lands then open for settlement that any settler of ordinary industry could support himself and his family comfortably upon his land. The mere turning of the sod and the planting of the seed assured an abundant crop, and the homesteader had no incentive to commute, and an abandonment without return or consideration, which has been so common of late years, was practically unknown.

In the year 1876 the final homestead entries actually exceeded the original entries in number and from that time on to about 1880 final proof was made after five years' residence on more than half of the original entries. From that time on the percentage of original entries, upon which final proof was made after five years or more of residence, greatly decreased until in 1900 the number of final five year proofs was only a little more than one in three of the original entries. The percentage of final as compared with original entries, particularly in the States named in this bill, steadily decreased until in the fiscal year 1907 the number of final entries in these States and Territories was about one-fifth of the number of original entries, and this has been approximately the percentage for a number of years past, clearly indicating that the settler was findi[illegible] it more and more difficult to support himself [illegible]d [illegible]mily [illegible] a fa[illegible] of 160 acres.

If it be cl[illegible] that a [illegible] comparison of the relative number of original and [illegible] is [illegible] by comparing the original entries of a given year w[illegible] of the year in which the majority of

the entries so made reach final proof, we obtain such a comparison comparing the total of original entries in the States covered by bill made in 1902 with the total number of final entries five years la or in the year 1906, as follows:

	Original homestead entries, 1902.	Fina homest entries,
	Acres.	*Acre*
Arizona	48,543	1
California	315,784	7
Colorado	504,903	12
Idaho	357,637	17
Montana	408,034	15
Nevada	11,095	
New Mexico	394,114	12
Oregon	736,095	18
Utah	27,119	1
Washington	1,021,561	27
Wyoming	328,159	10
Total	4,153,064	1,18

From the above it appears that the final compared with the origi entries were as about four to one, and as only 269,741 acres w included in homestead entries commuted to cash in these States in year 1906, it follows that 2,728,941 acres, or two-thirds of the origi entries made in 1902 in these States, were abandoned, and these figu convincing as they are, do not begin to tell the true story of aband ment of entries on lands of the character of those which may be ente under the present bill, for they include large numbers of entries irrigated or timbered lands or lands in Indian reservations opene settlement; and if it were possible to segregate such entries it wo probably be shown that as many as four-fifths of the 160-acre ent made in the past few years in the States named in the bill on noni gable nontimbered lands are abandoned, clearly indicating that entryman in the majority of cases does not consider the area he earn under the present homestead law sufficient for his suppor worth the effort required to secure title.

The fixing of the homestead unit of 160 acres was originally ba on the idea that that amount of land of the character then ope homestead settlement was sufficient for the support of a family, unquestionably that unit was a wise one as regards the lands of Mississippi Valley, the humid lands of the Pacific coast, and the bes the lands in the Intermountain States. These lands have practic all been settled upon, and it is unquestionably the part of wisdom readjust the homestead area to meet conditions surrounding remaining nonirrigable nontimbered lands in the States named the bill, and if any criticism can be properly made of the area p vided for in this bill it must be on the ground that it is too sm rather than too large.

No one can consistently claim that 320 acres of these lands ar ever will be, on the average, equivalent in value or productivenes 160 acres of the average of the lands which have in years past b entered under the homestead law. The few remaining tracts, u which it might be possible to produce a fair crop annually by rea of the character of the soil and amount of precipitation, are gener so rough and broken that but a portion of a 320-acre tract can be tivated, while as to the vast majority of the lands coming within provisions of the bill the annual precipitation of moisture is so lim

that they can only be successfully cultivated, if at all, by the most thorough methods of cultivation and under a system of biennial cropping and alternate summer fallowing and surface cultivation.

Under this system it has come to be recognized as the only method under which crops may be grown with a fair prospect of success. On lands with limited rainfall the farmer must have twice the area required under a system of annual cropping in order to have the same number of acres in crop, and as under our present homestead laws the homesteader is limited in the amount of land he can acquire from the Government to the area included in his homestead entry, it is very clear that he must have an increased acreage if he shall successfully battle with the adverse conditions surrounding the dry lands of the West compared with those homestead settlers met in the humid regions of other parts of the country.

In discussing the question of an enlarged homestead it must be borne in mind that our land laws at this time and for a number of years past have been very much less liberal than they were in former times when the humid regions of the country were settled. At the time when Kansas, Nebraska, western Iowa, the Dakotas, and the humid lands of the Pacific coast were being entered we had the preemption law, under which a settler could preempt 160 acres of land and obtain title after six months' residence; he could then homestead 160 acres and make proof on the same after from eight to fourteen months' residence; he could also enter 160 acres of land under the timber-culture act, on which no residence was required and title was obtained by growing or attempting to grow 10 acres of timber. Under these laws an energetic and ambitious entryman could thus secure in a comparatively brief period of residence, and without anything like the onerous conditions of cultivation required in the bill under consideration, a full section of land, and in very many regions the settler who did not obtain 160 acres under the homestead law and in addition 160 acres under the preemption law or 160 acres under the timber-culture law, or both, was the exception rather than the rule, and under these liberal conditions the splendid settlement and development of the regions referred to was accomplished.

The preemption law has been repealed; the timber-culture act is no longer on the statute books, so that a homestead settler is confined to the area of his homestead, and the story of the inadequacy of the present area of the homestead on the remaining nonirrigable land is written large in the great percentage of entries, in recent years, in this region, in which the entryman, after making the struggle for a series of years under adverse conditions, has given it up and abandoned his claim.

It is undoubtedly true that without any increase in the homestead area some homesteads—and from time to time, owing to temporarily favorable conditions, a considerable number of homesteads—will be located; but there is no reason to suppose that a larger percentage of these entries will be perfected in the future than in the past few years. On the contrary, as lands less and less desirable are taken there is every reason to believe that the number of failures and abandonments will increase, and clearly it is not the part of wisdom, nor is it just to the coming entryman, to afford him no relief under these conditions.

It is not claimed that the increase of the area of the entry will make every homestead settlement under the proposed law a success. On the contrary, it is undoubtedly true that some entries will be made upon

lands upon which the homesteader will find it impossible to grow c successfully even with the most thorough and scientific cultivation, on the other hand, there can be no question but that the percentag 320-acre entries carried to five-year final proof will largely exceed percentage where that occurs under a 160-acre entry, for the re that with the 160-acre entries in these regions the occurrence of seasons or meeting of adverse conditions easily discourages the r hardy and courageous entryman, because he feels that even thoug may through sacrifice and hardship finally secure title to his claim, area which he thus obtains, taking into consideration the characte the land and the climatic and other conditions surrounding it, is enough to repay him for his effort, and that unless he might be in the midst of his adversities to buy out a less courageous and tenacious neighbor at a sacrifice, he would never have land enoug afford himself a livelihood. It is this condition of affairs that has to a considerable number of commutations, a practice which has been altogether approved of as lending itself to possible speculatio the acquirement of lands for other purposes than that of cultivatio

The bill in question is the most carefully guarded, conserva homestead law ever proposed; it necessitates five years' residenc acquire title to the land; it compels actual and continuous cultiva of a considerable portion of the entry; it is free from the objecti which have been made to the exercise of the commutation privilege fixes a specific requirement of cultivation which, if complied with, be the clearest and strongest proof of the good faith and intent of entryman to establish a home upon the land he enters. At the s time it will give him a sufficient area on which to practice the meth of so-called dry farming, and possibly a few acres of the rough broken portion of his entry for pasture.

It is believed by those best acquainted with western conditions this bill will encourage settlement of considerable areas of lands wh are now used exclusively, if at all, for grazing purposes, and build settlements in localities now without habitation except an occasio stock ranch. It is carefully drawn in the interest of legitimate ho making, not in the interest of those now residing in the States Territories affected so much as it is in the interest of those in the E ern and Middle States who are and may be seeking new homes, who, it is believed, under the conditions of the bill will feel enc aged and justified in making them in regions and upon lands wh the homestead settler up to this time has passed by as not offering ficient assurances of a livelihood upon a 160-acre homestead.

The following report on a Senate bill relating to the same clas lands in the State of Montana, but providing for a larger unit of en is interesting in this connection:

[Senate Report No. 218, Sixtieth Congress, first session.]

The Committee on Public Lands, to whom was referred the bill (S. 3633 amend the homestead laws as to the unappropriated and unreserved lands in State of Montana, have had the same under consideration and beg leave to su the following report and recommend that said bill as amended do pass:

The present bill was considered by the committee in conjunction with S. introduced by Senator Smoot, of Utah, also providing for an enlarged home entry on the semiarid lands of the West.

With the almost complete absorption by homestead entry of the lands in the s arid Western States that are susceptible of irrigation by private enterprise, an consideration of the well-known fact that the present homestead law permitting

entry of 160 acres is no longer adapted to most of the semiarid land States, there has grown up a widespread demand throughout the West that the present laws be amended so as to permit the entry of a much larger area of land than is possible under the present law.

As to the vast area of remaining public land in this section of the country, it is the opinion of the committee that the present law is wholly inadequate for the purpose of settling the public lands with bona fide settlers. Experiments in dry-land farming that have been carried on during the past two years have demonstrated that these lands in the semiarid region can be successfully cultivated and profitable crops thereon produced every alternate year. Under this system of farming land situated in a section of country where the rainfall amounts to 10 inches per annum can be brought under successful cultivation; but in order to successfully carry on dry-land farming the farmer and settler must have a much larger area of land to cultivate.

The present 160-acre homestead provision was applicable to the States in the Mississippi Valley region and to all of that portion of the country westward where the rainfall averages as much as 20 inches per annum. From an experience of over forty years, during which time the 160-acre area has been used as the proper homestead unit, the belief has become general that in some way or other this was the proper unit to be applied to the settlement of all the remaining public lands. The almost universal judgment of the men of the West at the present time is that the old homestead area of 160 acres is no longer a practical solution for the settlement and cultivation of the hundreds of millions of acres of the public lands that now belong to the Government of the United States.

Owing to the impossibility of the settler to build a home on 160 acres of the semiarid public lands now open to settlement, many thousands of American citizens have, in the past few years, passed on and over the vast tracts of our own lands in the West and gone into northwestern Canada and there made their homes under land laws more liberal than those in existence in our country. Recognizing this state of affairs, which is well known to every citizen of the semiarid States, President Roosevelt in a recent message to Congress suggested the advisability of an enlarged homestead entry that might meet present conditions in the West. The present Commissioner of the General Land Office, Hon. R. A. Ballinger, in his report to the Secretary of the Interior for the year 1907, says:

"Dry farming, or the raising of crops in semiarid regions by special methods of agriculture, has passed the experimental stage in many localities. No law adapted to the entry of lands suitable for this purpose exists, as the desert-land law is inapplicable, and the homestead law, besides requiring residence, is too restricted in the area of land that may be entered.

"I therefore recommend the enactment of a measure applicable only to those States and Territories containing semiarid lands, permitting the entry, under the agricultural classification above, by any qualified resident citizen of the State or Territory where the land sought to be entered is situated, of not exceeding 640 acres of land (in as compact a form as possible) not capable of artificial irrigation, which does not contain sufficient moisture to produce a natural growth of trees, and which, because of the fact that it does not furnish potable water sufficient for domestic use or because of other conditions arising out of the semiaridity of the land, is not suitable for continuous habitation. Residence should not be required as a prerequisite to patent, but proof should be required of the planting and raising of consecutive crops of valuable agricultural products (other than native grasses) for a fixed period before final proof; provided, however, that careful restrictions be imposed to insure that the entries are made for the sole use and benefit of entrymen for the purpose of actual cultivation and not to increase range holdings, create monopolies of land, or other abuses."

As this bill was originally prepared with special reference to conditions in Montana, the following facts concerning present conditions on the unappropriated public lands in that State will tend to show the necessity for some remedial legislation. At the present time there remains in the State of Montana, outside of forest reservations, Indian reservations, military reservations, and lands withdrawn under the reclamation act, 49,799,514 acres of public lands upon which no settlement has yet been made. For more than twenty years this territory has been traversed by two great transcontinental lines of railroad from east to west, besides many shorter lines of railroad which penetrate the country in all directions, giving full opportunity for the settlement of these lands, and yet after all of these years, under the present limited area of homestead entry as applied to these semiarid lands, hardly 10 per cent of them have been passed to patent under all of the land laws now in existence.

In all of the State of Montana during the year 1907 there were only 1,284 final homestead entries. With abundant opportunity for settlement and entry only 1,284

persons during the past year availed themselves of the opportunity of making ho stead entries in that State, which State alone covers an area of country larger t all of the New England States, New York, Pennsylvania, New Jersey, Maryl and Delaware. These figures show conclusively that the lands in that portio the arid West that are possible of successful occupancy under the present lim area of the homestead law are rapidly becoming exhausted, and unless a more lib policy is inaugurated by the Government intending settlers will seek lands elsewh where the conditions are more favorable for successfully becoming home builder

From the report of the Commissioner of the General Land Office for 1907 we that during the fiscal year ending June 30, 1907, the total area of public lands u which final entry was made in Montana, both as homesteads and desert entries, as follows:

	Number.	Acre
Homesteads	1,264	18
Desert entries	755	12
Total	2,019	31

This whole acreage is not equal to one-twentieth of the area of the average-si county in that State, and at the same ratio of settlement it will take one hund and sixty years to settle the vacant, unoccupied, and unreserved public lands of M tana. And this does not include, approximately, 9,000,000 acres additional embraced within Indian reservations in Montana.

Neither does it include, approximately, 20,000,000 acres additional permane embraced within the limits of the national forest reserves in that State.

These figures showing the discrepancy between the area of final entries in the States of the West as compared with the immense country yet open to settlem apply with equal force to every arid State west of the hundredth meridian. A dition of affairs which leaves more than three-fourths of the area of a State in re vations and unappropriated by its citizens throws the heavy burden of State local government upon the small percentage of the lands within the boundarie the State that have been reduced to private ownership and are subject to local ta tion. These vast areas of unsettled public lands, over which no one can exercise right of sovereignty or control, have been fruitful of continual strife among the st men who now occupy this great area of unsettled land.

It is the belief of the committee that if a law could be enacted that would per the actual settler and home builder to enter a sufficient amount of this vacant pu land as would enable him by "dry land farming," supplemented by such lim irrigation as the settler could bring about by the building of small reservoirs in coulees and gulches, which contain a flow of water during a part of the year, that vast area of country would soon be brought under permanent settlement and cult tion by thousands of settlers, who would thus be encouraged to engage in stock rai and farming on a small scale. We are also of the belief that it would finally se the much discussed "range question" in the West.

In urging legislation of the kind contemplated in the bill under consideration, ev effort has been made to guard against fraudulent entries and prevent the acquirin large tracts of land by single individuals. Under the provisions of the bill intend settlers are required, after the first year of settlement, to continuously cultivate fourth of the area of land entered and that upon submitting final proof must sl that permanent improvements have been placed on the homestead entry to the amo of $1.25 per acre for each acre so entered.

In the opinion of the committee these two provisions will absolutely guard aga the acquisition of large areas of country through the operation of the propo law.

The bill permits the entry of land, a small portion of which (40 acres) can be i gated by reservoirs or otherwise. This provision would allow the intending set to enter such lands as might possibly be irrigated in this manner, which wo enable him to raise sufficient forage for the wintering of his stock and the cultivat of garden crops and small fruits.

The present bill differs materially from S. 1543, also reported from the Pu Lands Committee, in that the present bill compels a *residence* upon the homest entry by the settler, while S. 1543 contains no such provision.

The present bill also permits a *small area of irrigated land* to be included wit the homestead area, which S. 1543 does not permit.

The present bill also requires the entryman to show conclusively on making final proof that he has placed sufficient *permanent improvements upon his entry to guarantee good faith in making the same.*

By a vote of the committee the State of Oregon has been included within the provisions of this bill, in addition to the State of Montana.

The committee would recommend that the original bill be amended as follows:

Strike out all after the enacting clause and insert the following:

"That any person who is a qualified entryman under the homestead laws of the United States shall be entitled to enter under the provisions of this act, within the States of Montana and Oregon, outside of the present limits of the Indian reservations and forest reservations within said States, four hundred and eighty acres, or less, of the surveyed, unappropriated public lands, to be located in a compact body and not to exceed one and one-half miles in extreme length, in conformity with the legal subdivisions of the public lands.

"SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit, as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered does not contain a merchantable growth of timber; that not to exceed forty acres of the same is irrigable from any known source of water supply.

"SEC. 3. That any homestead entryman now occupying lands heretofore entered by him shall have the right to enter unappropriated public lands subject to the provisions of this act, lying within five miles of his former entry, which, together with the original entry, shall not exceed four hundred and eighty acres, and residence upon the original entry shall be deemed as residence upon the additional entry.

"SEC. 4. That at the time of making final proof the entryman under this act shall, in addition to the proofs and affidavits required under the homestead law, prove by two credible witnesses that at least one-fourth of the area embraced in his entry has been continuously cultivated after the first year of his settlement and entry upon the land and that permanent improvements have been made upon the land of the value of not less than one dollar and twenty-five cents per acre for each acre contained in the entry."

Amend the title so as to read: "A bill to amend the homestead laws as to unappropriated and unreserved lands in the States of Montana and Oregon."

VIEWS OF THE MINORITY.

This bill increases the size of the homestead in a certain kind land, not very clearly defined, from 160 acres to 320. It is bad pol for the Government, as the area of the public land subject to hon stead entry is rapidly decreasing, to increase the number of acres to taken by the homesteader. If the homesteader can not make a livi on 160 acres of land, there is something wrong with the land or t homesteader. If the trouble is with the land, a greater quantity of tl kind of land would not help the situation. If the trouble is with t homesteader the amount of land he enters cuts very little figure.

Under this bill the land must be nonmineral. While this is a te used very generally in connection with certain kinds of public lan it is very indefinite in its application and leads to great confusion the administration of the law. Who can say except an exp whether land is nonmineral? Yet under this bill that duty devol upon the entry man. This at best can only be a matter of opini and the opinion of the man that wants the land will always be tl the land is nonmineral, but title once having gone out of the Gove ment it can never come back, though the richest mineral depos might after the patent be discovered.

Under this bill the lands must be nonirrigable and to this fact t entry man must make an affidavit. But who can say what this te means? All lands fit for the plow are irrigable if you can get t water. A few years ago millions of acres of land were consider nonirrigable that to-day have been reclaimed by irrigation proje and constitute some of the richest of our farming sections. To-morr the very lands covered by this bill may be brought within the scope irrigation projects or new methods of utilizing water supply or st ing moisture may be devised, but the title to these lands having o gone out of the Government has gone forever.

The wonderful discoveries that have been made in the treatment different soils, the remarkable results that have been achieved by t process known as dry farming, open the way for the thought tl the immediate future will undoubtedly bring more and more of t so-called nonirrigable lands into active demand by the homesteade

Particular attention is called to section 3, which gives an additio 160 acres contiguous to the land already occupied by the homestead without any requirements as to cultivation or residence. It can be contended in behalf of this section that the additional 160 ac is required to induce the homesteader to come into the country, for this case the homesteader is already there. The 160 acres allow under the homestead law was a sufficient inducement, and the 160 ac allowed under this section is in the nature of a gratuity or bonus.

It will also be noticed that North Dakota is included in this bill a a glance at the situation there will be instructive. On July 1, 19 there were in this State public lands unappropriated and unreserved

the extent of 2,899,685 acres. During the fiscal year ending June 30, 1907, there were 14,100 entries under the homestead law, carrying 2,091,895.98 acres, and there were final entries in the same period of 4,160, carrying 630,359 acres, demonstrating clearly that in two or three years every acre of public land in that State will be taken by the homesteader under the present law. Three or four years ago South Dakota was insisting that the homestead should be increased to 640 acres; to-day her Representative will not allow her to be included in this bill.

Recently there has been a falling off in the percentage of original entries that are perfected by the final entries. This we submit can be accounted for by the pressing demand for men in other industrial pursuits and the attractive wages offered. Now, however, if hard times should continue the pressure for public lands will be greatly intensified.

Again, the rapidity with which the public lands are now being taken under the present law demonstrates conclusively that there is no immediate necessity for the enactment of the pending bill, and in this connection I would call attention to the report of the Commissioner of the General Land Office for the fiscal year ending June 30, 1907, and to the table there given at the bottom of page 179. Referring to the States and Territories covered by this bill only, I will give the original entries of land under the homestead laws during the year ending June 30, 1907, and the number of acres covered by said entries:

Entries of lands under the homestead laws for the year ending June 30, 1907.

State or Territory.	Original homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.
Arizona	465	66,037.17	96	12,467.72
California	1,228	173,438.24	430	60,770.49
Colorado	12,227	1,903,616.73	974	145,677.30
Idaho	3,100	390,567.01	1,259	176,548.03
Montana	3,347	489,985.30	1,264	185,790.15
Nevada	288	31,503.88	70	6,981.16
New Mexico	16,254	2,544,630.32	1,076	165,608.51
North Dakota	14,100	2,091,895.98	4,160	630,359.02
Oregon	1,940	276,117.62	866	127,410.24
Utah	879	130,193.82	46	6,436.54
Washington	3,189	447,328.55	2,228	330,423.38
Wyoming	2,674	400,958.27	716	106,400.86

Statement from the Land Commissioners' office covering the period from July 1 to December 31, 1907.

State or Territory.	Original homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.
Colorado	5,080	782,654.73	488	74,340.88
California	754	106,948.69	302	43,317.55
Idaho	1,627	206,002.73	765	108,949.96
Montana	2,340	336,841.27	677	103,592.47
Nevada	245	23,481.93	35	3,083.89
North Dakota	4,835	688,249.02	2,931	439,056.34
Oregon	1,281	177,224.83	981	145,301.88
Utah	348	49,309.10	43	6,336.56
Washington	1,498	206,612.76	1,298	196,199.38
Wyoming	1,762	262,212.09	465	70,283.65
Arizona	390	54,573.23	54	7,415.34
New Mexico	6,409	997,571.84	656	101,109.15
Total	26,569	3,891,682.22	8,695	1,257,985.58

The general policy of our Government has heretofore limited th homestead to 160 acres, and this has been done to enable the bona fid settler to obtain a home on the public domain. The more homes tha can be established on the public domain the better for the country a large and the particular Commonwealth in which the homestead i located. This bill, however, by doubling the acreage of the homestea entry, provides for only one-half as many homesteaders as would b taken care of under the present law.

In the near future all our public lands will be gone, and with th flood of immigration now pouring in upon us, together with the natura increase of our population, we may soon come to realize what the terr "land famine" means to the older countries of the world. We hav only a certain amount of land. The number of people that will soo be demanding it can not even be estimated, and the true policy of th Government in matters of this character should be to conserve ou resources, and legislation along the lines of this bill should be defeated

PAUL HOWLAND.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1301.

INSTRUCTING THE ATTORNEY-GENERAL TO INSTITUTE CERTAIN SUITS, ETC.

MARCH 24, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. R. 48.]

The Committee on the Public Lands, having had under consideration Senate joint resolution No. 48, instructing the Attorney-General to institute certain suits, and so forth, report the same back with the recommendation that it do pass without amendment.

This resolution comes before Congress in the form proposed by the Attorney-General. Certain railroad land grants hereinafter mentioned contain provisions restricting sales of the lands to actual settlers in quantities not exceeding 160 acres to each purchaser and at a price not exceeding $2.50 per acre. This restriction has been completely ignored for years. After a complete investigation of the facts the Department of Justice concluded to institute suit to enforce the rights and remedies of the United States in the premises. The Attorney-General has ample authority under existing laws to invoke all these remedies except the remedy of forfeiture, concerning which considerable doubt exists. The object of the resolution is to remove this doubt.

The principal subject of the resolution relates to two land grants received by the Oregon and California Railroad Company, one by the act of July 25, 1866, as amended by the acts of June 25, 1868, and April 10, 1869, and the other by the act of May 4, 1870. The latter act embraced but a comparatively small area, and in view of the fact that both grants contain the same restriction and both finally became vested in the same company they may be treated in all respects as a single grant.

These lands were granted to the railroad company expressly upon the following condition:

Provided further, That the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one-quarter section to one purchaser and for a price not exceeding two dollars and fifty cents per acre.

The grant extends entirely across the western part of Oregon, the richest part of the State, and embraces every odd section within 20 miles of the railroad, with 10 miles indemnity limits to compensate for losses within the place limits. Under the grants 2,800,000 acres of land have already been patented to the railroad company and approximately 300,000 acres more are claimed. By reason of delays in constructing the railroad, and from other causes not attributable to the Government, only approximately 300,000 acres were patented prior to the year 1893. Commencing with the last-named year, patents were rapidly issued until the year 1906, until the total amount patented was slightly in excess of 2,800,000 acres. So that the entire transaction is really more recent than the date of the original act would indicate. As a matter of fact, nearly all of the land has been received by the company in comparatively recent years.

Of these lands, the railroad company has sold approximately 813,000 acres. Of the total amount sold by them, 127,000 acres were sold in quantities not exceeding 160 acres and at a price not exceeding $2.50 per acre; 170,000 acres were sold in quantities not exceeding 160 acres to each purchaser but at a price exceeding $2.50 per acre; 515,000 acres were sold in quantities exceeding 160 acres to each purchaser, of which amount 363,000 acres or nearly one-half of the total amount sold, were sold to purchasers in quantities exceeding 2,000 acres to each purchaser.

These large violations of the limitations of the grant are of comparatively recent occurrence. Prior to the year 1895, there was a substantial compliance with the terms of the grant. The railroad company was then engaged in promoting immigration and settlement of the land and most of its sales down to that time were made in limited quantities and at a comparatively reasonable price, although even in those instances the amount sold and the price charged were quite frequently in excess of the provisions of the grant. However, most of the early sales really promoted the development and settlement of the country, and thus the substantial object of the provisions of the grant was realized. Commencing with about the year 1895, however, there was a sudden demand for these lands in large quantities by the wealthy timber men of the Middle States. In absolute disregard and disobedience of the terms imposed by Congress, the railroad company took advantage of its opportunity and commenced to dispose of the grants to these parties in large quantities ranging from 10,000 to as high as 45,000 acres to a single purchaser and at rapidly increasing prices. During this period, the railroad company sold approximately 363,000 acres of land to 38 purchasers, an average of 10,000 acres to each of these purchasers.

After disposing of a large part of the grant in this manner, in the fall of 1902 the railroad company seems to have resolved to completely ignore the terms of the grant and to create a permanent estate in its own favor covering the balance of the grant, consisting of approximately 2,000,000 acres. It has persistently refused to make any sales of the land whatever since that time, although many applications to purchase have been made by persons desiring to settle upon the land. For several years the railroad company concealed its purpose to permanently withhold these lands from sale. To allay public feeling upon the subject various excuses were resorted to. At first it was explained that the railroad company's records had become confused and that no further sales could be made until there had been a complete check of the holdings of the company; then after the San Francisco fire it was

explained that all of the records of the company were destroyed, and that was urged as an excuse for not entertaining applications to purchase. About January 1, 1907, however, it became apparent that it was the purpose of the railroad company to permanently withhold these lands and get the benefit of their actual value. Under the terms of the grant the railroad company was entitled to a bounty not exceeding $8,000,000, and yet in the manner stated it now asserts the right to permanently hold lands of a value exceeding $35,000,000 after it has already realized approximately $4,500,000, and most of that amount in violation of the terms of the grant.

The greater part of the land thus held by the railroad company and to which it now asserts an absolute, unqualified title, in violation of the provisions of the grant, is situated in the southwestern part of the State of Oregon. Thus, nearly one-half of the land of a large part of the richest portion of the State is being held solely for the purpose of speculation and is a permanent check to the commercial and industrial development of the State, and the railroad company is thus inflicting the very evil which Congress guarded against, and in the most flagrant and detrimental manner possible.

Confronted by these conditions it becomes the duty of Congress to authorize the Department of Justice to institute proceedings which shall effectively assert and enforce the rights and remedies of the people. It is quite probable that the courts will hold that the limitation in the grants in question is a condition subsequent and that the remedies of the Government are those of a grantor upon a breach of such a condition. Of these remedies, the right of forfeiture is not only the most important, but the most effective, and it is quite probable that such will prove to be the only practicable remedy which the Government can rely upon.

Upon this view of the case the Attorney-General investigated the law concerning his authority to claim forfeiture on behalf of the United States. The Constitution commits the disposition of the public domain to Congress. This includes the power to annex conditions subsequent to a grant, and it is quite probable that a forfeiture for a breach of a condition imposed by Congress can only be claimed by the same authority. Therefore the Attorney-General has requested that Congress shall remove all doubt upon the subject by specifically authorizing him to claim forfeiture on behalf of the United States in suits about to be commenced.

It should be noted that the most important purpose of the resolution is to authorize a claim of forfeiture. The resolution does not arbitrarily declare a forfeiture, but authorizes the courts to ascertain whether the United States is entitled to a forfeiture, and if it so finds, to enforce the same. The Attorney-General already possesses ample authority to assert all other remedies on behalf of the United States. While the resolution directs the Attorney-General to enforce all rights and remedies, including that of forfeiture, it was drawn in this form to preclude any possibility of a construction that other rights and remedies were waived, it being expected that the Attorney-General will urge all remedies which exist in favor of the Government.

Several of the corporations and individuals who purchased quantities ranging from 10,000 to 45,000 acres each appeared before the committee and requested certain amendments to be made for their protection. In support of their request they represented that they purchased

these lands in ignorance of the condition of the grant restricting sale to actual settlers in quantities not exceeding 160 acres and at a pric not exceeding $2.50 per acre. Some of them have erected sawmill and made other improvements, while many of them have simply pur chased the lands and are now holding them as an investment or specula tion. Many arguments were advanced by these purchasers to suppor their claim for protection at this time. The subject was thoroughl discussed before the committee. A number of these large purchaser were represented in person, by officers, and by counsel, and the Depart ment of Justice participated in the hearing. The following gener features were developed:

First. There is no uniformity in respect to the circumstances unde which these large sales were made. It is impossible to define circum stances which were common to all of these cases. The most tha probably can be said is that some of them bought the land in violatio of the law but ignorant that the purchases were unlawful.

Second. Every defense urged by these purchasers will be considere by a court of equity, and, if sufficient under the rules of equity, th rights of all parties will be amply protected by the court.

Third. The railroad company was reorganized early in its history and as it is a purchaser from the company which originally becam vested with the grant, any amendment of the resolution protecting pur chasers would be equally available to the railroad company. More over, on July 1, 1887, a mortgage of $20,000,000 was placed upon th grant and the other property of the company by the railroad com pany, and each of the amendments proposed would have validated thi mortgage and proven an effective obstruction to any suit against th railroad company.

Fourth. It is inadvisable for Congress or any Department of th Government to recognize in advance any equitable or legal right growing out of these unlawful sales, in view of the fact that th Department of Justice proposes to base its suit against the railroa company upon these unlawful sales.

Fifth. Congress will have ample power to grant any relief to an parties if the final decree rendered shall appear to be harsh or oppres ive, and Congress will then have the benefit of a full development c all of the facts and circumstances of these transactions.

It was urged on behalf of these purchasers that in all previous res lutions and acts of Congress, directing suits for forfeitures, savin clauses were annexed in favor of innocent purchasers; but it wa pointed out by the Department of Justice that in all such cases th ground of forfeiture was not based upon unlawful sales. Upon a former occasions the ground of forfeiture consisted of fraudulent re resentations as to the construction or completion of the road or som other transaction to which the purchaser was not a party and in tho cases the sales themselves were not in violation of law; but, in th case, the sales were unlawful and constitute the very ground for th claim of forfeiture. It is apparent that the former acts and resolutio relating to forfeitures furnish no precedent for this case. It is quit clear that Congress should not direct a claim of forfeiture upon th ground that unlawful sales have been made, and at the same time i any manner recognize the validity of those sales.

This is a very important matter. A very plain, and at the same time a very salutary law, has been very flagrantly violated. The Department of Justice has requested Congress to remove every obstacle to the enforcement of the law. It is imperative that Congress should not, in attempting to do so, impose a still greater obstacle and take the risk of destroying whatever rights and remedies the people now have. Even though it be true that parties bought large quantities of these lands through ignorance of the law, they certainly are not in a position to ask Congress to destroy or impair any rights or remedies the Government has against the railroad company. Whatever consideration Congress may ultimately extend to these purchasers, it is clear that the rights of the people must be paramount in the present action of Congress and that no private interests ought to claim consideration in a way that would be to the detriment of the interests of the people, particularly when their equities can and will have full consideration by the courts.

The necessary injury to the State of Oregon, resulting from the policy pursued by the railroad company, does not require demonstration. However, upon this question the committee has had the benefit of the personal knowledge of Representative Hawley, in whose district most of the land grant is situated, and from his statement, supported by apt illustrations, it is clear that the injury even exceeds that which would naturally be presumed.

This subject has received more than usual consideration. It is the sense of this committee that the Department of Justice should have unhampered opportunity to enforce all rights and remedies of the Government, and should receive the unqualified cooperation of Congress in its efforts to do so. The resolution in its present form was prepared under the direction of and approved by the Attorney-General. The resolution includes the grant under the act of May 3, 1869, which was a grant to aid in the construction of a military wagon road from Roseburg to Coos Bay, in Oregon. This grant involves at the present time approximately 90,000 acres of land. The grant contained a similar provision restricting the disposition and sale of the land. It is unnecessary to discuss it separately, and it should be added that the present claimant of these lands has requested the Department of Justice to bring a suit asserting all of the rights and remedies of the Government, to the end that all disputed questions may be permanently determined by the courts.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1302.

CONCERNING THE LOCATION OF THE GRANT MEMORIAL IN THE BOTANIC GARDEN IN THE CITY OF WASHINGTON.

MARCH 24, 1908.—Ordered to be printed.

Mr. HOWARD, from the Committee on the Library, submitted the following

ADVERSE REPORT.

[To accompany H. R. 10502 and H. J. Res. 117.]

The Committee on the Library, to whom was referred the bill (H. R. 10502), introduced by Mr. Sherley, to amend the provision of the sundry civil appropriation act of June 30, 1906, making an appropriation for continuing the work of erecting the memorial to Gen. Ulysses S. Grant, report the same to the House with the recommendation that it lie on the table. The committee also report to the House, with the recommendation that it lie on the table, H. J. Res. 117, introduced by Mr. Mann, which provides that the Grant Memorial be located upon the large circular or elliptical plat between the White House grounds and the Washington Monument.

The committee has considered these propositions together, because, while differing in their terms, the effect of either, if adopted, would be to change the present location of the Grant Memorial as selected by the Grant Memorial Commission. The sundry civil act for 1907 contained this provision:

> That the memorial may be located in the unoccupied portion of the Botanic Garden grounds between First and Second streets as recommended by the Grant Memorial Commission.

Mr. Sherley's bill proposes to that provision this limitation:

> But in making such location no historic or other tree planted in such grounds shall be removed or otherwise disturbed.

The site selected by the Commission has growing upon it several trees said to be of historic interest and others of botanical rather than historical interest; consequently, if the amendment were adopted the memorial could not occupy the selected location, and the precise question to be decided is shall the Grant memorial or the trees, historic and otherwise, occupy this particular spot. The preponderance of evidence before the committee was to the effect that the trees could be removed to some other situation without material risk of loss, and that

the memorial, because of its design and size, could not be suital placed in any other situation in Washington that is both available a desirable; and in this view of the matter the majority of the commit resolved and do recommend that the trees standing on the memor site be removed, at a reasonable cost, and that the memorial be erect on the site selected.

The resolution of Mr. Mann, if adopted, would fix the site of t memorial between the White House and Washington Monument. T reasons against this which controlled the majority of the commit are clearly and cogently set forth by the members of the Grant Mem rial Commission and others acting for and with it in the decision of t question. The committee have, therefore, quoted the material pa of the statements of the Commission, artist, and other experts ma before it during the inquiry these measures have necessitated, a commend them to the consideration of the House as giving a full h tory of the movement to erect a memorial to Gen. Ulysses S. Grant Washington, the reasons for the site selected, a history of the Bota Garden and of the planting of the Crittenden tree, the Beck tree, a others embraced in the statement of Supt. William R. Smith.

Those of the committee agreeing to the action recommended fi their views admirably and succinctly stated in these resolutions adopt by the New York Commandery of the Military Order of the Lo Legion:

Whereas there is an effort on the part of some of the press and citizens of Wa ington to force the removal of the memorial to Gen. U. S. Grant from the Bota Garden in that city; and

Whereas General Grant was a citizen of this State, a member of this commande and its commander during the years 1884 and 1885: Therefore

Resolved by the New York Commandery of the Military Order of the Loyal Legion, T the location of the Grant memorial in the Botanic Garden in Washington meets approval.

Resolved, That the location of the Grant memorial is an ideal one, at the foot of the C itol and on the axis of the Capitol and Washington Monument, with ample grou surrounding it. It has received the approval of the Superintendent of Public Buildi and Grounds, of various expert architects and sculptors, the sculptor and architec the memorial, the army societies, the veterans of the civil war, the Washington Ch ter of the American Institute of Architects, also of General Grant's family; and t memorial has been changed to fit the present location, which was made in 1903 a confirmed in 1906. To ask its removal at this time is uncalled for and impracticab and we earnestly protest against it.

Resolved, That a copy of these resolutions be furnished by the recorder of this co mandery to the Grant Memorial Commission and to the Senators and Represen tives in Congress from this State.

STATEMENT OF GEN. GRENVILLE M. DODGE, CHAIRMAN OF THE GRANT MEMORIAL C MISSION.

General DODGE. Gentlemen, perhaps it would be better for me to state to you h the efforts that have been made to build a memorial to General Grant.

In 1895 the Society of the Army of the Tennessee, of which General Grant formerly the commander, appointed a committee of its officers, several of whom w Members of Congress, to come to Washington and to appeal to Congress to mak proper appropriation for a proper memorial to General Grant. That committee ca here and labored up to 1901. In 1901 what was known as the Hepburn bill passed, which appropriated $250,000 for a memorial to General Grant; and the co mission named to carry it out was Secretary Root, Mr. Wetmore, and myself. T law, as Judge Smith has said, we all considered as adequate. But when the questi was raised as to the jurisdiction of Congress, in order to be in accord with Cong and do nothing that would not meet their approval, we simply asked that t amendment be passed. But we do not consider and did not consider that the locati of the memorial down here was made under that amendment. It was made un the original act.

Our first work under this act authorizing the memorial was to obtain the models. In asking for models we selected ourselves two places. One was the north point of what is known as the "White circle," the north end of it; and the other was the square south of the State Department. We did that because the sculptors, in presenting their models, wanted to make models that would fit the ground where they were to go. The model which was accepted, which I think is one of the finest that has ever been produced, had, before it was accepted, the judgment of St. Gaudens, Mr. Daniel G. French, Mr. Burnham, Mr. McKim, General Schofield, and Mr. Meredith; and they were unanimous in accepting it. That model was made to fit the north end of the White House lot. It is 254 feet long and 69 or 70 feet wide, and of course requires a great deal of space about it.

After the model was accepted there was a great deal of opposition to our going into the White House lot. The President and some of the members of the Cabinet and others thought that that lot should not be disturbed. They claimed that it broke the view from the White House to the Washington Monument. And in response to those protests we made up our minds that if we could find a place in Washington that was suitable for the purpose we would go to it. The commission for two years looked at every square and every place in Washington, and we finally located in the Botanic Garden here in 1903, and made up our minds that that was the only ground that had the space and that was proper for a memorial to Grant. We considered that the memorial to such a person as General Grant should be somewhere in connection with the White House and the Washington Monument or with the Capitol and the Washington Monument—on the axis of two of those buildings. We did not think it was proper to put it out in the city here in any confined square. Therefore we located in the Botanic Garden in 1903, and remained there, looking at other places as from time to time they would be proposed to us. For instance, when they got the Union Station here some persons came to us and suggested that we place Grant in the plaza in front of that station, and the commission went there and viewed that site. We found that that was under the District Commissioners and the District Commissioners had other views in the matter and of course would not let us go there. When Secretary Taft became a member of the commission the question of this location came up again, and we considered it, and it was concluded that this was the only place that was suitable in Washington to place a memorial to General Grant.

In the spring of 1906, when it was coming near the time that we should commence work, or consider it, we had the outline of the memorial staked out there; and it has been staked out there for two years. We never have had any protest or any communication of any kind in relation to it. The location was accepted generally by everyone, and a great many persons consider it the best. All the sculptors and architects of the country that have seen it have said that it was a fine location and a proper location.

When work was commenced in the Botanic Gardens this fall, Secretary Taft was in the Philippines and I was out West; and I received a communication from the War Department to the effect that there were protests being made on account of the three historical trees. That is the first that any of us ever heard of those trees. We knew nothing about them. Nobody had ever said a word to us about them, although we had had staked out there in the grounds the outline of this memorial. And after receiving this protest, and not being able to be here, I sent a telegram to Lieutenant Poole, who had charge of the work in the absence of Colonel Bromwell, directing him to suspend the work until I could return.

When the time came to make the actual location in the grounds, Colonel Bromwell, who had charge of it, and who had already made the location, suggested to the commission that we have some experts to advise him as to the exact location and as to the fitting of the model to the location. At his suggestion, Frederick Law Olmstead, jr., of Massachusetts; Mr. McKim, of New York; Mr. Shrady, the sculptor; Mr. Casey, the architect, and himself were designated. They made the location almost exactly where Colonel Bromwell had originally made it. They having made the location, and knowing all about it, I, at the suggestion of the Assistant Secretary of War, asked those gentlemen to meet me here on the 12th day of November to go and see what we could do to change the monument or to save the trees.

Several of the gentlemen who were present at that meeting had had a great deal of experience in the moving of trees; and it was the unanimous decision of the commission that there was no difficulty in moving these three trees and saving them. And upon that the commission advised unanimously that the monument be retained where it was and that the three trees should be moved.

Since that time the commission has investigated this matter of moving the trees and has gotten all the information there is. We have with us here to-day a gentleman who has been in the business for thirty years, who has been here and seen these trees, and has successfully moved trees equally as large. The commission

The question has been asked whether trees would have to be cut down if monument is put there. The gentleman from North Carolina asked that ques The putting of the monument there will disturb only a certain number of trees, understand it. But if this plan is carried out, and if this monument is made p the general plan, then, of course, trees will have to be removed.

Now, I yield to no one in my feeling with respect to a tree. I feel as if cu down a tree were like taking away a life. But, gentlemen, the question is wh we are to be bound by the place at which any man puts a tree with respect to sequent improvements. I do not think the question can be met by a general m that we ought not to move any trees. We must move some trees. We bel from the expert opinions we have had, that these trees can be moved; and doub in the construction of the Mall other trees will have to be moved. We will ha make an avenue through there, and you can not have a tree standing in the mi of a road; and if you wish at any time a correct plan with a straight communic between the Capitol and the Monument, and there are trees in the way, those will have to come out. And therefore, to say that you can not move a tree is t that you can not advance.

On the other hand, we give every consideration in the monument committ the saving of trees. We have done so with respect to Lafayette Park. Ther some fine trees there that it has been proposed to move in order to put monum at the corner; and we have refused to do that because of a beautiful elm tree stands just opposite the Cosmos Club.

These trees are said to be historic. I do not deny that in a sense they are hist but they were not put there by direction of Congress, and they do not thems evidence the happening of any event at the place. They are not like the tr Appomattox. They do not evidence anything, except that by an arranger between the Senator from Kentucky and the gentleman who had control of this happened to be planted there at that time in memory of something. But, ge men, it is not evidenced by any historical record that I know of. It rests, doubt in the memory of man; but it is not like a monument that evidences somet authorized by the public law, as this memorial does.

Therefore it seems to me, as between the two, that the one ought to yield to other, reconciling them as far as possible. And as we believe that we can n those trees without injuring them, I respectfully suggest that this act be not pa

(At this point, owing to the damp condition of the walls of the committee r the hearing was adjourned to the room of the Committee on Territories, in the s building.)

STATEMENT OF COL. CHARLES S. BROMWELL, U. S. ARMY.

Colonel BROMWELL. The law authorized the location of this monument in Botanic Garden between First and Second streets. After that law had been pa I wrote a letter to the Secretary suggesting that the sculptor and architect of monument, as well as an architect and landscape gardener of reputation, be associ with me in determining the exact location of the monument. The five of us h number of meetings, and after consideration we decided upon this location. It point, as I say, on the axis between the Capitol and the Monument, midway betw First and Second streets when extended. Second street does not now pass thr the Botanic Garden.

We took into consideration the so-called Burnham plan, which has been appr by the Senate, but has never been approved by the House. This monumen located so that it exactly fits in with that plan. It was not our part to cons whether or not the Burnham plan was a good plan, and we did not take that consideration.

The CHAIRMAN. But you tried not to have the location of the monument in gruous with that?

Colonel BROMWELL. Yes. We felt that if that plan ever should be adopte would be a great mistake to have the monument in a location not in confor with the plan. Our location, however, is perfectly satisfactory, and we consider very desirable location, whether or not the Burnham plan ever is approved. Burnham plan can be cut out entirely and our location of the monument will n affected. We consider it to be the best location for the monument now.

If the Burnham plan is carried out it will necessitate the removal of a great n trees through the Mall. It is proposed, as you know, to have a roadway exten practically from First street to the Washington Monument. We did not cons that it was necessary for us to do anything at all with the trees around the m ment at the present time, because it is not necessary to do anything until the B ham plan is adopted; and when it is adopted the trees in the vicinity of the m

ment will be a very small portion of the trees that will be affected. Our idea was that, locating it there, that portion of the Botanic Garden might very properly be thrown open as a public park. The law already provides that the fence around the Botanic Garden shall be removed, and the trees and shrubs, and everything left there; and it will then simply be like any other park.

As far as moving the trees is concerned, I think there is no question that the chances are that they can be moved, provided you are going to pay enough money for it. It is simply a question of how much money you want to pay to try to move a tree.

The CHAIRMAN. Colonel, did you ever have any experience in moving trees?

Colonel BROMWELL. No, sir; but I have looked into this matter very carefully; and if you take sufficient precautions, all of which are measured in a money value, you can increase very much the chances of successfully moving trees of the size of these. If you adopt the ordinary way of simply cutting a trench 4 or 5 feet from the tree, and cutting off all the branches that interfere, and, moving it in that way, you can well understand that the chances are very much against a successful moving. If you remove the earth 10, 15, or 20 feet from the trunk, and carefully gather up all the roots, and protect them, and move them, the chances of success in moving the tree are very largely increased.

STATEMENT OF HON. ELIHU ROOT, SECRETARY OF STATE.

The CHAIRMAN. Gentlemen, the hearing was called at this hour because it was convenient for Secretary Root to be here, and we will be very glad to hear him. You may not know the course the hearing has taken, Mr. Secretary. It is perhaps a little wider than the bill upon which we are holding the hearing calls for. Any observation that occurs to you with reference to the Grant memorial the committee will be glad to hear.

Secretary ROOT. I am very much obliged to the committee for considering my convenience. I am glad to have an opportunity to say something about the location of the memorial, because I have noticed some misstatements—statements indicating a misunderstanding about it—in some of the newspapers. The commission created by Congress to secure a design and select a site and to erect a memorial was composed of the Secretary of War, the chairman of the Senate Committee on the Library, I think——

The CHAIRMAN. Senator Wetmore.

Secretary ROOT (continuing). Senator Wetmore and General Dodge, I think, as president of the Society of the Army of the Tennessee. At that time I happened to be Secretary of War, and so was a member of the commission. We met and organized and proceeded to the discharge of the duty that was imposed upon us by Congress. We took up the subject, I think, with especial interest, because General Dodge and I had been associated with General Porter in the building of the Grant memorial in New York. We were the two vice-presidents of that association, and had taken an active part in the entire enterprise, and had been very deeply interested in it as personal friends of General Grant and of his family. When General Porter went to Paris as ambassador, the monument and its management, with the direction of the association, were left to General Dodge and myself as vice-presidents, so that we were already in the business and we took up the work of the statutory commission con amore.

The CHAIRMAN. As qualified experts, also.

Secretary ROOT. So far as a great deal of attention to the subject would qualify us. Our work was not at all perfunctory; it went rather beyond the ordinary interest of the performance of a statutory duty. We had a competition for design, got some gentlemen to help us to select a design, and canvassed the subject of site very fully. We first thought of the site immediately south of the State, War, and Navy building, and we thought of a site on the White Lot south of the White House, but we were not fully satisfied with either of those, and went all over Washington and looked at every place we could think of, and we discussed every place that we looked at, until finally we came to the conclusion that the monument, or the memorial, as I think the statute calls it, ought to have a definite relation to the public buildings of Washington, and we settled upon a site directly in front of the Capitol as being the best possible site. We considered that we were authorized by the statute to select that site because, although it was within the fence which surrounds the Botanic Garden—the grounds of the Botanic Garden—it was unoccupied. So we selected that by a formal resolution. We also selected the design and made the contract with the architect and the sculptor for a memorial which, in our judgment, was adapted to that site. That was the position in which the matter was left when

I retired from the War Department, and my knowledge of the matter ceased. Ho ever, I still kept a warm interest in it.

In selecting that site, we had a good many things in view. We considered tl the statute, which made an appropriation of $250,000 for a memorial to Gene Grant, meant something more than the ordinary statue which, as Secretary of W I have been engaged in putting up around the city as a member of similar commissio We felt that it was the intention of Congress, plainly exhibited by the differen between that statute and the ordinary monument appropriations, to indicate a d tinction, and that it was our duty to secure a design and to select a site which wou be distinguished, and which would put the memorial to General Grant on a differe footing from the memorials to many generals and public men of inferior place history. We considered also the fact that indications were many that the regi about the Capitol was about to receive attention and to be rescued from the son what unkempt and uncultivated condition in which it had remained for so ma years.

The CHAIRMAN. You are not thinking of the statue of Washington east of t Capitol, the seminude statue?

Secretary ROOT. No. The new Library had already been built, and the plans the new buildings for both Houses of Congress had been talked of, and it had go to such a point that those buildings were evidently to be put up, this building th we are in now, and the Senate building. The plan for the removal of the Pen sylvania Railroad from the Mall and the putting up of this great station immediate north of the Capitol had been far advanced, and it was quite evident that the mov ment of the improving tendency was toward this particular site, and that the neig borhood of the Capitol was, within a very short time, to be made worthy of t Capitol itself. So we considered that a great memorial to General Grant would a fitting part of the bringing up of the surroundings of the Capitol to a point wort of the Capitol building. We considered that that immediate prospect made it the more appropriate that we should select that site.

We considered the plan, which had already been made public, of the so-call park commission, with regard to the beautification of Washington, and we cons ered what effect upon our judgment the doubts as to whether that plan would followed or not ought to have. We came to the conclusion that, while the site the memorial which we determined upon fitted perfectly into the plan if carried ou that, whether it was carried out or not, this was incomparably the best site the was in Washington for the memorial.

The CHAIRMAN. It did not depend upon the carrying out of the Burnham plan?

Secretary ROOT. Not at all. I think the carrying out of the Burnham plan wou probably improve the site, but we were clear that, whether it was carried out or no it was altogether the best site that could be found, and so we performed the du that was imposed upon us by Congress and finished our work in that respect.

We made a contract, as I think I have said, with the architect and the sculpt under which they have gone on with their work until, I understand, they are no ready to put the work on the ground. It has now been five years since the design w selected and the site was selected. Not speaking now as a member of the comm sion, for I have ceased to be a member of the commission, but speaking as a citiz interested in the memorial to General Grant and as a citizen who has been happy count himself among the personal friends of General Grant, I wish to express a ve sincere and earnest hope that the work of erecting this memorial to him shall not interfered with; that the work that has been done, which has taken so many yea shall not be destroyed; and that the whole effort shall not have to be made ov again, for a large part of the money that was appropriated by Congress will have be expended under the contract that has been made. The design that was selected adapted to a low, level site, and it is intended to be so that it will not come in co petition with lofty buildings; it is not, itself, to be a lofty memorial.

The CHAIRMAN. It is not assertive.

Secretary ROOT. No; it is not assertive. It is intended to be put in juxtapositi to some of the public buildings of Washington, and not to compete with them.

I think there ought to be a memorial to Grant, and I think it ought to be put by his old friends and followers and comrades who are still alive, and I hope th the work will be allowed to go on in accordance with the decision reached under t authority of Congress and in the performance of the duty that was imposed upon t officers named by Congress. I do not think of anything else, Mr. Chairman.

The CHAIRMAN. Does anyone desire to ask the Secretary any questions?

Mr. CONNER. Were you a member of the commission when the contract was let

Secretary ROOT. I was.

STATEMENT OF MR. WILLIAM R. SMITH, SUPERINTENDENT NATIONAL BOTANIC GARDEN.

The CHAIRMAN. Mr. Smith, the committee desire to hear you upon this question of the location of the Grant memorial, and especially they wish to ask you certain questions about the Botanic Garden.

Mr. SMITH. Yes, sir.

The CHAIRMAN. Your name is W. R. Smith?

Mr. SMITH. Yes, sir.

The CHAIRMAN. You are the Superintendent of the Botanic Garden?

Mr. SMITH. Yes, sir.

The CHAIRMAN. How long have you been connected with the gardens?

Mr. SMITH. Fifty-five years.

The CHAIRMAN. You may go on and tell us anything that occurs to you in regard to the location of the Grant memorial and the trees that are immediately affected by it.

Mr. SMITH. Well, forty years ago or more, when the war was beginning and begun in fact, I was very anxious for peace and was very much infused with the idea of Mr. Crittenden's being successful, his resolution being passed, and in walking up toward the Capitol with John A. Bingham on the one hand, chairman of the Committee on the Judiciary, and Mr. Gartell, of Georgia, a particular friend of Mr. Stevens, I said, "Why can't I be the agent for bringing you two extremists together?" Mr. Gartell said, "Mr. Smith, if your friend Bingham will withdraw his force bill and pass the Crittenden resolution, I will guarantee that Georgia does not go out." Well, turning to Bingham with all the enthusiasm of my nature, at that time especially, I said, "Now, John, now is the time for you to immortalize yourself." He said, "Well, I will see about this business." And he came up and got into the storm center and came back to tell me next day that it was no use, that no one man could control anything about it. That incident induced me to ask Mr. Crittenden and Mr. Mallory, his colleague and friend, Mr. Wadsworth, of the Committee on the Library—and they were all intimate friends—to bring from Kentucky one of the largest acorns they could find, and we would plant it where this conversation took place, in memory of his efforts for peace, even if they failed. It was planted; it has grown; it is a magnificent tree, and there are children of it over the four quarters of the Republic, and many of them in European countries. Three hundred of them are on the battlefield of Chickamauga, planted there by General Boynton, one of the bravest, grandest men of this Republic. Hence my ardent anxiety to save the Crittenden Peace Oak. If it is not destroyed, it may occupy the position as a peace agent two or three hundred years.

The CHAIRMAN. Do you remember when this was planted?

Mr. SMITH. I do not recollect the exact date, but it was the year before Mr. Crittenden's death. It can be easily verified. Another one, planted by Mr. Howard, of Micnigan, is a still handsomer tree; of a different kind, however. It is a scarlet oak, and that is one of the trees that will be destroyed by the destruction, to say nothing of 40 or 50 other trees, the two Morrills, both planted by Justin S. Morrill on that line. The Secretary of War very honestly stated that these were all to be swept away if this plan was adopted. These are trees that have been there, the two Morrills, and I might name 40 or 50 others.

The CHAIRMAN. Did you make a record of these trees; was there any record that you kept?

Mr. SMITH. I have a record of it.

The CHAIRMAN. That would designate them.

Mr. SMITH. I have not put the names on them for a peculiar reason. They would be pulled to death. Sentimentalism goes too far very often, and the people take leaves. There were one or two trees with the names on them that people wanted a leaf—wanted a piece of it—so I have not named them, as I will now if they are allowed to remain. Mr. Beck's tree, adjoining Mr. Crittenden's tree, is an elm that was grown here. When Mr. Olmsted was erecting the architectural terrace that had to be destroyed, there was considerable sentiment about it. George Washington was said to have planted it, and I received the thanks of Mr. Olmsted for taking the roots and potting them, and one of them was planted for Mr. Beck and another planted for Mr. Alexander Shepherd. There was one of them Mr. Forney took to the public works of Philadelphia. Mr. Sargent, Senator from California, took one or two to California. Of course I do not know what became of these, but the sentiment exists with reference to trees in the minds of most scholarly people on the face of the globe.

Now, I will speak about removing the Crittenden oak. No sensible man, going to the spot, would contend for a minute that such a thing could be done. I was astonished at Mr. Dodge assuming to suggest such a thing. Go there yourself and you

will see that it is simply a nonsensical statement. With reference to some other trees, there are several of them of which Mr. Forney and Mr. Forre great tragedian, and an honor to America, brought me the seed, and I laid th a flower pot and now they are nearly 50 or 60 feet high, standing there n sentinels, telling their stories, leading people to think. My great countr Andrew Carnegie, is the chief agent of this peace question, but that tree will do if left alone, than all the publications he ever made, because it sets people to ing. There is an object lesson; can you get a better one? It came from Wa ton—that is a grand thought. It is a magnificent specimen of the vegetable ki and leads people to think about higher objects, if you please. I am prepa answer any questions.

The Chairman. Now, Mr. Smith, when, if you know, was that garden establi

Mr. Smith. George Washington selected it as a botanic garden, as a part college scheme that he had, as readers of history know, and in 1822 an effo made to make a garden of it, and a collection of rare trees—native trees—was p about the very spot where it is proposed to put General Grant's monument. was in 1822. It has been known as the Botanic Garden since before the Gover moved to this town, and I hear a good deal about L'Enfant—the L'Enfant bu The beginning of his scheme was on Third street, where he wanted a grand fo or a monument, or something else, and a straight walk leading through to the dential gardens. Instead of that they borrowed money, and instead of the st walk they put a canal where people could probably indulge in the poetry of and beautiful gondolas and all that sort of thing. Solitary and alone I put th in motion to fill up that canal; got a number of Members of Congress from Na to offer the resolution to fill up the canal and make a sewer at one end of it basin at the other, putting Andrew Jackson's remark to the old Mr. Blair t did not want such a dirty, stinking ditch in the middle of the town whe Almighty had made such a beautiful waterway.

VIEWS OF THE MINORITY.

I recognize the strength of the position of my colleagues and the very great practical difficulty which exists in the way of changing the location of the Grant Memorial. But with the duty imposed upon me, by the bills referred to the committee, to consider carefully the whole question, I do not see my way clear to approve of the site which has been selected.

The invitation of the Memorial Commission to artists for the submission of designs contemplated a work to be erected to the south of the White House. The particular design which was selected was prepared for the so-called "White Lot," which is a large and level field lying between the White House and the Washington Monument. Mr. Casey, the architect of the memorial, said that he designed it for an open field or parade ground, where it could be used as a reviewing stand. It is probably due to that fact and to the ample sweep of the site the architect had in mind that the design was for a memorial of such enormous proportions, extending in length for more than 250 feet, 70 feet in breadth, and covering an area of about 17,000 square feet.

A strenuous objection was made to having the structure put between the White House and the Washington Monument and the consideration of that site was given up. The Commission thus had upon their hands, with the necessity for discovering a site for it, probably the longest, if not the greatest, work of art in the world. There is not room in every public square for a work of such portentous longitude.

It was not wanted in the vicinity of the White House. It was next proposed to place it in the plaza to the south of the new railroad station, but the architect of the station seems to have objected to having it there. There is quite too strong a tendency on the part of works of art of doubtful or unusual character, or undesirable for some other reason, to gravitate in the direction of the Capitol. Apparently in obedience to this tendency it found its way to the Botanical Garden. The necessity imposed by the enormous size of the work, well adapted to the location for which it was first designed, is in my opinion the chief justification for the selection of the present site rather than any special fitness that that site possesses for a memorial to General Grant. It is almost the lowest land in the District of Columbia, completely overshadowed by the Capitol and Capitol Hill. It is never likely to be used as a parade ground as contemplated by the architect and, while the street upon which it is located may become an important thoroughfare in the future, it certainly is not an important thoroughfare now. The memorial is to be placed near the hothouses and the other incongruous accessories of a botanical garden.

The artists of the country, or many of them, have been led to believe that the location of the memorial upon the proposed site is in fulfillment of an important part of the so-called "Burnham plan" for the

development of Washington, but the model of the plan in the gressional Library fails to show any such enormous structure a place. Indeed, a work more than 250 feet long at the entrance proposed Mall and across the "axis" from the Capitol to the ' ington Monument would require a considerable modification o plan as shown upon the model. If it is necessary to select anothe than that for which the memorial was designed, the whole s should be reopened, so that the design and site might be e adapted to each other.

In my opinion, a monument to Grant should be placed upon more commanding location, and it should be from a design muc complex in character. The memorial proposed is not in keeping the simplicity of the character of Grant. It does not recogn any degree his career in the Presidency during eight imp years of the country's history; nor does it suggest at all his ence for peace that we should have a complicated memorial o character, speaking of war in every part of it. There should be simple and majestic monument bringing him to our minds as a as a statesman, and as a soldier.

As to the beautiful Crittenden oak and the other trees, their p vation should not be beneath the attention of Congress. They a to me more worthily to occupy that particular location than wou structure it is proposed to erect there. But if the memorial is oe placed upon another site, a special appropriation, if required, s be made to transplant the trees with every care to secure their s

S. W. McC

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1305.

STATUS OF PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

MARCH 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 18618.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out all after the word "Army" in line 6, page 1, of the bill, down to and including the word "regiments" in line 7, page 1.

Strike out all after the word "Infantry" in line 9, page 1, down to and including the word "possessions" in line 12, page 1.

Strike out the words "shall be appointed" in line 13, page 1, and insert in lieu thereof the words "of said regiment shall be one lieutenant-colonel and two majors who shall be detailed for four years."

Strike out all after the word "Army" in line 1, page 2, down to and including the word "regiment" in line 2, page 2.

Strike out all after the words "Sec. 5" in line 15, page 2 of the bill, down to and including the word "regiments" in line 19, page 2.

Strike out the words "or citizens of the United States" in lines 21 and 22, page 2.

Strike out all after the word "examination" in line 23, page 2, down to and including the word "Academy," in line 24, page 2.

Strike out the words "among the captains and lieutenants" in lines 1 and 2, page 3, and insert in lieu thereof "to the grade of first lieutenant and captain."

Attached hereto and made a part of this report is a letter from the honorable Secretary of War to the chairman of the Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT,
Washington, February 16, 1

SIR: Referring to a bill before the Congress to fix the status of the Porto Ric visional Regiment, I beg to say that in my opinion the subject-matter of that of some urgency.

As you know, the Porto Rico Provisional Regiment has always been more the prey of uncertainty, and the status of its officers and enlisted men always u factory. The present bill seems to intend an improvement in the condition o regiment, and to that extent it has my hearty approval. I have conferred wit Beekman Winthrop, late governor of Porto Rico, in reference to this matter, a has suggested certain amendments to the bill in question, which I transmit here incorporated in your bill, the new parts being underscored and the parts pro to be omitted stricken out.

Whatever is done in reference to this regiment, it should be put upon a perm basis, and its officers and enlisted men put upon an equality under the law wit corresponding grades in the Regular Army in so far as the rights of retirement allowances, and pension are concerned. In whatever form you conclude to this bill, I sincerely hope the items I have just enumerated will be made clear.

Very respectfully,

WM. H. TAFT, *Secretary of W*

Hon. J. A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1306.

RATIFYING BONDS OF ROAD DISTRICT 1, MARICOPA COUNTY, ARIZ.

MARCH 25, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 19364.]

The Committee on the Territories, to whom was referred H. R. 19364, have had the same under consideration and report with the recommendation that it pass.

Recognizing the great necessity for good roads in the several counties of the Territory, the legislature of Arizona passed an act (Session Laws, 1907) "providing for special road districts," and the mode of creating the same. The evident purpose of this act was to permit the taxpayers in any such district to impose by two-thirds vote on themselves taxes sufficient to build or keep in repair the roads in said district. The road district named in this bill was duly created as provided in said act of the legislature.

At an election duly held in said district on the 28th day of December, 1907, it was determined by a two-thirds vote of the taxpayers to issue bonds of said district in the sum of $30,000 for the purposes aforesaid.

It is impossible to carry out the purpose of these residents of said district unless Congress shall approve the same by passing this bill, for the reason that the bonds proposed to be issued would impose an indebtedness on the district in excess of the limitation imposed by what is generally known as the Harrison Act.

The committee can see no reason against the passage of the bill, but every reason in favor thereof.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1307.

ISSUANCE OF MUNICIPAL BONDS BY THE TOWN OF VALDEZ, ALASKA.

MARCH 25, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. HOUSTON, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 19411.]

The Committee on the Territories, to whom was referred the bill (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of $15,000 for the purpose of constructing dams and dikes for protection against glacier streams, having had the same under consideration, report it back to the House with the recommendation that it do pass.

The town of Valdez is located at the east end of Valdez Arm, which projects inland from the northeast extremity of Prince William Sound, which is an arm extending from the head of the Gulf of Alaska.

That part of Valdez Arm which forms a landlocked harbor, extends east and west for 12 miles, with an average width of about 2 miles. It opens into the main body of water through Valdez Narrows at its western extremity. The depths in this harbor vary from 40 to 140 fathoms. It is said that within 100 feet of the mud flats lying in front of the town of Valdez the water is nearly 40 fathoms deep, and before wharves were built across the flats from the town it is stated that vessels could come so close to land in high water as to discharge their cargoes into small boats without grounding.

Wharves, which have now been built, are practically a necessity in this harbor, because the depths are so great as to prevent anchoring.

This is the northernmost harbor in North America which is free from ice the year around.

The harbor is approached from the sea through ample depths of water, and with no dangerous obstructions except Middle Rock, in Valdez Narrows, where a light-house is said to be badly needed, the rock being awash at low tide.

The town of Valdez is an incorporated town, organized under the provisions of the act of April 28, 1904, which enables communities in

Alaska having permanent populations of at least 300 to become in porated towns.

Valdez has the customary municipal officers—mayor, clerk, tr urer, and a common council.

At the suggestion of the committee, Hon. Thomas Cale, Deleg from Alaska, telegraphed to responsible parties in Valdez, who inf him that the town now has a permanent population of about 1,500, an additional floating population of about 500. The same par informed the Delegate that the town has no bonded indebtedness, that its total indebtedness otherwise is about $6,000.

The report of the governor of Alaska for 1907 states that the asses valuation of property in Valdez (presumably for 1907) was $590,(and the rate of taxation 20 mills.

The bill which this report accompanies proposes to authorize town of Valdez to issue its bonds to the amount of $15,000, bearin per cent interest, to be in denominations not exceeding $1,000, to not longer than ten years, and to be payable at the pleasure of Val after five years.

The bonds can only be issued after their issuance has been authori by a majority of the qualified electors of Valdez, whose names app on the last assessment roll for municipal taxation, voting at a d authorized election. It should be stated that those authorized to v at such election were limited to taxpayers because of the floating po lation, which has no permanent interest in the town.

The bill surrounds the authorization and issuance of the bonds w suitable safeguards, including a provision that none of the fu derived from the sale of the bonds shall be used for any other purp than that specified in the bill.

The purpose for which the town of Valdez desires to raise these fu is to erect dikes or other necessary protection to prevent the wat of Valdez Glacier, which is about 2 miles distant, from flooding town. Streams from the glacier run near and through the town, melting snow and ice have so affected these streams on several oc sions as to cause very serious damage. It is believed that the erect of dikes and dams confining the streams will remove this danger, your committee is of opinion that the town should be permittec raise the necessary funds.

If funds are to be raised by a bond issue, and no other method se feasible, the consent of Congress is necessary, for the reason that i provided in the fifth subdivision of section 201, chapter 21, Civil C of Alaska, which section relates to the powers of common council incorporated towns, that "no bonded indebtedness whatever shall authorized for any purpose."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1308.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

MARCH 25, 1908.—Ordered to be printed.

Mr. GILLETT, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 16882.]

The Committee on Appropriations, to whom was referred the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1909, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend nonconcurrence in all of the amendments of the Senate numbered 1 to 365, inclusive.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1309.

FOR THE ESTABLISHMENT AND ORGANIZATION OF A CORPS OF TRAINED WOMEN NURSES FOR THE UNITED STATES NAVY.

MARCH 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DAWSON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 15438.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy, having considered the same, respectfully report with the recommendation that it do pass with the following amendment, to wit:

Strike out section 1 of the bill and insert in lieu thereof the following:

That the nurse corps (female) of the United States Navy is hereby established, and shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of the Navy; and that they shall be graduates of hospital training schools having a course of instruction not less than two years.

This bill proposes to create in the Navy a corps of trained women nurses on the same basis as the present corps in the Army.

The superintendent nurse will be in direct charge of the corps of trained female nurses, under the direction of the Surgeon-General of the Navy, and will be responsible for their organization and discipline. It will be her duty to keep in touch with the various training schools for nurses throughout the country, and with the standing of their graduates, having in view the efficient and proper recruitment of the corps; to pass upon the general fitness of all applicants; to prescribe the examination tests, and in general to look after the professional efficiency of the nurses after entering the corps, as well as to keep the duty rosters and efficiency records.

The chief nurses will be assigned to duty in each of the larger naval hospitals, and will be held responsible for the efficiency of the work performed by the nurses, over whom they will exercise direct control.

Section 2 provides that all appointments shall be subject to an examination as to professional, moral, mental, and physical fitness, it being

further stipulated that they must be graduates of hospital training schools of good standing having a prescribed course of instruction no less than two years.

This section also prescribes the general character and scope of their employment, being eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon-General. Their special fitness for hospital work is universally recognized, and this bill would put nursing in naval hospitals on a professional plane, in keeping with the standard of efficiency which prevails generally. On hospital and ambulance ships trained nurses will be assigned to duty from time to time as circumstances may require.

Section 3 provides that the corps of nurses shall receive the same pay as that provided for the similar corps in the Army. In the Army the superintendent receives $1,800 per annum, and nurses and reserve nurses, when on active service, receive $40 per month when on duty in the United States and $50 per month when without the limits of the United States.

The Army now has 100 female nurses, but the Surgeon-General of the Navy believes that 50 only will be required for the Navy for the present.

This legislation is recommended by the Secretary of the Navy in the following letter:

NAVY DEPARTMENT,
Washington, March 3, 1908.

SIR: I have the honor to transmit herewith for your information and that of the committee a copy of a memorandum, dated the 29th ultimo, just received from the Surgeon-General of the Navy, setting forth the importance of legislation making provision for the proper care and nursing of the sick and injured of the Navy, for the Hospital Corps, and for the establishment of a dental corps.

In this connection attention is invited to the bill (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy, introduced by Mr. Burton; to the bill (H. R. 305) to organize and increase the efficiency of the Hospital Corps of the United States Navy and regulate its pay introduced by Mr. Roberts; and to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, introduced by Mr. Butler. These measures contain the provisions referred to by the Surgeon-General in his letter, and are such as are necessary to provide the Navy with proper facilities for the nursing and care of its sick and injured.

Particular attention is invited to the Surgeon-General's statement that "there has been and is now much preventable suffering" in the Navy, and that he believes that "many deaths have occurred which might have been prevented," if action in the matter of nursing had been taken as heretofore recommended.

Concurring with the Surgeon-General in the view that this is an important matter, the bills above mentioned are commended to favorable consideration.

Very respectfully,

V. H. METCALF, *Secretary.*

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

DEPARTMENT OF THE NAVY,
BUREAU OF MEDICINE AND SURGERY,
Washington, D. C., February 29, 1908.

SIR: With a deficiency of at least 250 men nurses, and a large majority of those on duty untrained, the gravest concern is felt by this Bureau as to the care of those needing proper nursing. The result of this condition, which has persisted for the past four years, is such that there has been, and is now, much preventable suffering of the sick and the injured of the Navy, and I believe also that many deaths have occurred which might have been prevented if this Bureau's request as to action in regard

this matter of nursing had been acted upon several years ago, and I wish to state here that this Bureau has done its full duty, in and out of season, to bring the attention of the Department and Congress to the conditions which have existed so long.

As one of the most important duties of this Bureau is to see that the sick and injured of the Navy are properly nursed, I wish to bring the above facts to your attention once more as strongly as possible. Men nurses can not be had unless provision is made for obtaining raw material in the shape of young men, and making provision for holding them in the service after being trained. To do this it is absolutely necessary to put them at least on the same footing as corresponding grades of the line as to pay and allowances. The same recruiting officer recruits for the line and staff, and when he informs applicants that hospital corps men get less pay and allowances than the corresponding ratings of the line or other staff corps, of course the recruits take the best-paid position. Thus it is clear that there can be very few enlistments in the Hospital Corps. What we ask now is that the Hospital Corps, which now stands by itself, shall be put on the same footing as the line and other staff corps in regard to pay and allowances. House bill No. 305, which it has just been agreed by the House Naval Committee to report favorably, will, it is believed, give relief, and I beg that you will do all in your power to have the bill become a law.

Your attention is further called to the conditions which this Bureau labors under in regard to dentists in the Navy. The bill creating a dental corps should also become a law at this session of Congress, as well as the one providing for women nurses, both of which would assist in relieving preventable suffering in the service.

Very respectfully,

P. M. RIXEY,
Surgeon-General U. S. Navy.

The SECRETARY OF THE NAVY.

The Surgeon-General of the Navy has strongly urged the enactment of legislation to create a corps of female nurses in his annual reports for several years back. The following is taken from his last annual report for the year 1907:

WOMEN NURSES.

Intimately related to the proposed reorganization of the Hospital Corps of the Navy, with greater efficiency as the objective, is the question of the employment of women nurses as a part of the Medical Department of the United States Navy, eligible for service at naval hospitals, on board hospital ships, and for such special duty as the Surgeon-General of the Navy may deem necessary.

The desirability of this addition to our facilities for the efficient care of the sick and injured of the service has been made the subject of careful consideration from all points of view by the Bureau, and the oft-asserted merits of the proposed departure from long-established custom, which it entails, can no longer be viewed as merely problematical. The recent action of the New York board of charities and correction adds force to this assertion. About two or three years ago Bellevue and allied hospitals (about five in number) put all nursing under the supervision of trained women. Formerly the pavilions for the treatment of insane or alcoholic patients were in charge of men. Now not only are women in charge, but they act as nurses for such patients, and the authorities report most satisfactory results from the change, the work being better, more humanely, and accurately done.

That women nurses are by natural endowment and special aptitude superior to male nurses for much of the duty required in the care of sick and injured men is generally admitted; that their employment is compatible and would not conflict with the conditions arising from the military character of our institutions may be inferred from the experience of the Army, which acknowledges their work as deserving of the warmest praise; and we have only to look back upon their record of splendid services in modern wars to be convinced of their adaptibility to service conditions and of their efficiency in institutions under military control. Indeed, their importance in military service, as well as in civil life, has been amply and conclusively demonstrated and is now firmly established. Naval hospitals do not differ materially from civil hospitals either in construction or routine, and the employment of women nurses in the one should bring as satisfactory results as in the other. As compared with the administration of our hospitals under present peace conditions, their advent would certainly insure a higher and much to be desired standard of efficiency in the care of inmates.

In our hospitals where the more difficult, lingering, and dangerous cases are treated *it has been found,* under existing circumstances, impossible to give all invalids the *scientific and careful* nursing which their particular illness needs, and women nurses

would solve the problem and put it in our power to meet these obligations in a m ner befitting the responsibility and the time. Moreover, in addition to supplyi more efficient medical and surgical nursing than is now obtainable, valuable servi could be rendered by the trained women nurses in teaching the men of the Hospi Corps their special duties in caring for the sick, so that when they come to serve board ship or at distant stations they will be prepared, with greater surety, to rend services in accord with the best usuages.

But it is in the event of war that the usefulness of women nurses would beco most apparent. Then it would be necessary to have a larger number of male nur available for duty at sea, and this under present conditions would be possible only the enactment of legislative authority for the employment of women nurses. Asi from the fact that women nurses are actually needed now, it will not suffice to w until the emergency of war arises and at the eleventh hour to make appeal for t necessary authority for their employment. Provision must be made now in view present needs and against future possibilities. Such a corps as the proposed bill ca for, simple as it is, must have an organized nucleus, capable of easy expansion response to increased needs, so that its members may become accustomed to service the Navy and the naval-hospital administration adjusted to them under the propitic circumstances of peace times. In connection with facility of expansion, it is imp tant to remember that good male nurses are difficult to obtain, while good fem nurses are usually available.

The plan of organization as previously detailed contemplates provisions similar those for the Army, and was embodied in Senate bill No. 2207 of the Fifty-nin Congress, first session. Briefly, it provided for "one superintendent of nurses, a as many chief nurses, nurses, and reserve nurses as may be needed." The numb of such nurses would be determined by the requirements of the service from time time. Under conditions of peace and in ordinary times the number would be co paratively small, employed chiefly on the more serious cases, and in times of w expansion to meet the extraordinary needs would be practicable. Of course t women nurses could have no place at sea except on hospital ships, but in the na hospitals, where nine-tenths of the serious cases are treated, their peculiar fitness work in wards and in the operating room makes their services most desirable. F thermore, their presence here, as stated, would operate to release the major part the men for assignment to necessary duty on our vessels of war and hospital shi where they would be urgently needed.

It is impossible to find adequate reason for the difficulty experienced in obtaini favorable Congressional consideration of such a meritorious measure of relief. Ec omy itself dictates this provision. The desirability of trained women nurses in t medical branch of the naval service has for five years been urged upon the Depa ment, and, with its permission, upon Congress. The Bureau's representation of t measure, the importance of which it urges, has been persistent and forceful, and has been explained how the lack of proper nursing means greater suffering. T officers and enlisted men enter the Navy with the assurance that they will be tak care of when disabled by disease or wound or injury. The Government suppl physicians and surgeons, splendidly equipped hospitals, and complete emergen facilities on every ship. The most serious omission in this excellent establishme is the want of that skilled nursing which civil institutions enjoy. The Bureau's ho and belief is that its work in the past five years will, during the coming Congre bear fruit, and that within the next year there will be provided not only a w equipped and properly established hospital corps and a corps of dental surgeons, l a corps of women nurses.

The Senate bill above referred to, and which had the approval of the Departme unfortunately failed to receive the necessary legislative action, and consideration the benefits to be derived through the passage of a law of this character was wi held. Therefore, with the best interests of the service and the individual at hea the Bureau again renews its recommendation that legislative authority be sou during the pending session of the Sixtieth Congress for the employment of train women nurses in the United States Navy.

The corps of female nurses in the Army was created by the Arm reorganization act of 1901, and the experience of the Army medic establishment has removed any doubt of the adaptability of women service institutions under military control, and the superiority of t woman over the man trained nurse for much of the duty required the care of sick and injured men has been conclusively demonstrate

In speaking of the efficiency of the corps the recent annual reports of the Surgeon-General of the Army have had the following:

[1904.]

The nurses have shown themselves an efficient and dignified body of women. A medical officer commanding one of the large general hospitals writes: "I have nothing but praise for the nurses of the army nurse corps who have come under my observation. They have done faithful and most valuable work, and their services have been of inestimable value to the Medical Department."

[1905.]

In the report of the inspector-general, Pacific Division, to the Secretary of War, April 7 to 11, 1905, is found unqualified commendation of the nurses, accompanied by recommendations identical with those made in the report from this office for the last fiscal year:

"The army nurse corps is most efficient and attentive to its duties. The conduct of the nurses has been unexceptionable, and the work deserves the warmest praise."

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1310.

PURCHASE OF THREE NEW STEAM COLLIERS.

MARCH 25, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LOUD, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 7578].

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7578) to purchase three new steam colliers, having had the same under consideration, report to the House with the recommenda tion that it do pass, with the following amendments:

In lines 7 and 8 strike out the words "six hundred and nine thousand one hundred and seventy-six dollars and forty-five cents" and insert in lieu thereof the words "five hundred and twenty-five thousand dollars."

In lines 9, 10, and 11 strike out the words "eight hundred and twenty-seven thousand five hundred and twenty-nine dollars and thirty-five cents" and in lieu thereof insert the words "five hundred and seventy-five thousand dollars."

The colliers contemplated to be purchased by this bill are new, one having been put in commission on October 22, 1907, and another on December 2, 1907, and the third on January 11, 1908. Their contract speed was 10 knots, and they have averaged a trifle over 11 knots in voyages between Baltimore and Boston. Their coal consumption is 40 tons per day, approximate horsepower 2,200, and cargo capacity 7,220 tons.

The committee, after careful investigation of the matter, is of the opinion that the sum of $525,000 each for said three steam colliers is a full, fair, and reasonable price for the same.

The plans of construction for these colliers were carefully examined in the Bureau of Construction and Repair and the Bureau of Equipment, both of which Bureaus, through their representatives at the hearings, testified that these colliers were suitable for navy use, and recommended their purchase.

One of the colliers was inspected by the superintending constructor for the United States Navy, at the works of the Fore River Ship Building Company, and by way of a summary of a report made by him to the Navy Department, he states as follows:

As a result of the examination made of this vessel by the superintending constructor, he is of the opinion that generally throughout the hull, fittings, etc., the material is of good quality, satisfactory for the purpose, and that the character of the workmanship throughout is very good.

The recommendations of the Navy Department on this bill a expressed in the following letter wherein the Department sets tl purchase price at $600,000 each.

NAVY DEPARTMENT,
Washington, January 8, 1908.

SIR: Referring to your communication of the 28th ultimo, requesting to be fi nished, for the use of the Committee on Naval Affairs, in the consideration of t bill (H. R. 7578) to purchase three new steam colliers, with the views and reco mendations of the Department thereon, I have the honor to inform you that the b was referred to the board on construction for recommendation, and the same h been returned with the following report, viz:

"The board recommends that the accompanying bill be modified in the followi respects:

"In line 3, after 'authorized,' insert 'in his discretion.'

"Line 5, after 'of,' insert 'about.'

"Line 6, eliminate 'two hundred.'

"Line 7, eliminate 'and nine' and 'one hundred and seventy-.'

"Line 8, eliminate the words 'six' and 'forty-five cents.'

"The first section will then read as follows:

"'*Be it enacted by the Senate and House of Representatives of the United States of Ameri in Congress assembled*, That the Secretary of the Navy is hereby authorized, and in h discretion, to purchase three new steam colliers of American registry, ready for servic having a cargo-carrying capacity of about seven thousand tons dead weight each, a cost not exceeding six hundrod thousand dollars each.'

"It is also recommended that section 2 be modified as follows:

"Line 9, eliminate 'and.'

"Line 10, eliminate the words 'twenty-seven' and 'five hundred and twenty-nin

"Line 11, eliminate the words 'and thirty-five cents.'

"Section 2 will then read as follows:

"'SEC. 2. That the sum of one million eight hundred thousand dollars is herel appropriated, out of any money in the Treasury not otherwise appropriated, for tl purchase of the colliers above authorized.'"

The recommendations of the board on construction are approved by the Depa ment, and as thus modified the bill is recommended to the favorable consideratio of the committee.

A draft of the bill with the changes recommended is inclosed herewith.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

While it is conceded that these three colliers would not be entirel suitable for fleet colliers under all conditions, they could accompar the fleet where the speed did not exceed 10 knots. The need for add tional colliers for the transportation of coal for the Navy was full demonstrated at the hearings before the committee. The following a list of the colliers now belonging to the Navy:

Name of vessel.	Cargo coal capacity.	Nominal speed, knots.	Tons displacement.	When built.	Purchas price.
Abarenda	3,400	9.00	6,705	1892	$175,000.
Ajax	5,000	10.00	9,250	1890	267,[illegible]
Alexander	4,200	8.75	6,181	1894	206,826.
Arethusa	4,000	10.00	6,159	1893	218,992.
Brutus	4,000	10.00	6,600	1894	215,000.
Cæsar	3,150	10.00	5,920	1896	177,947.
General Alava	1,000	10.50	1,115	1895	(a)
Hannibal	2,300	9.00	4,000	1898	147,941.
Iris	2,000	10.00	6,100	1885	145,000
Justin	2,900	8.30	3,300	1891	145,000
Lebanon	1,800	10.00	3,285	1894	225,000.
Leonidas	2,200	8.50	4,023	1898	147,941.
Marcellus	2,100	11.00	4,315	1879	90,000
Nanshan	2,000	10.50	4,950	1896	15[illegible],72[illegible]
Nero	[illegible]	[illegible]	[illegible]	1896	215,000.
Pompey	1,100	10.50	3,[illegible]	1897	111,[illegible]
Saturn	2,100	11.00	6,[illegible]	1890	230,[illegible]
Sterling	2,672	11.00	6,[illegible]	1891	190,[illegible]

a Not given.

It will be seen from the above list that none of the colliers now owned by the Navy are as large as the ones recommended to be purchased. They carry such a small cargo that the cost of transportation of coal at present for the Navy by the Government colliers is very expensive. In the attempt to keep the fleet supplied with coal during its trip to the Pacific it was fully demonstrated that additional colliers were needed by the Navy. It was further demonstrated that the Navy could not rely upon coal being transported in American bottoms, as notwithstanding the fact that the President of the United States allowed a 50 per cent increase in the bid for American colliers, only one accepted, the remaining colliers being foreign built. The present naval colliers were bought in the emergency arising in the Spanish-American war, and have an average cargo capacity of about 3,000 tons of coal. As stated above, the cargo capacity of these colliers is 7,220 tons.

It was fully demonstrated in the hearings before the committee that the need for colliers in the Navy is urgent, and after careful consideration the committee recommend that the three new steam colliers as contemplated by this bill be purchased for $525,000 each.

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homesteaders were ejected and the Department was required to chang its ruling to conform to said decision.

Thereafter Congress by the act of April 19, 1904 (33 Stat. L., 184 granted relief for qualified settlers who were misled by the depar mental ruling on the point above indicated, allowing the settlers t make homestead entries for other lands and crediting them with th period of bona fide residence upon and the amount of their improv ments made upon the lands for which they were unable to complet title; but this act contained the following proviso:

> That no such person shall be entitled to the benefits of this act who shall fail make entry within two years after the passage of this act.

It has been shown to the committee that over 150 of these hom steaders did not avail themselves of the privilege conferred by the a of April 19, 1904, within the two-year limitation, either through po erty or other misfortune or through ignorance of their rights, i some instances the homesteaders having died.

The bill, H. R. 14788, is in substantially the same language as th act of April 19, 1904, with the addition of the amendment which pe mits second entry to be made by the surviving widow or minor chil or children in the event that the entryman has died.

Following is the communication of the Secretary of the Interi relative to this bill:

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1908.

SIR: I have your letter of March 10, 1908, inclosing copy of H. R. 14788, for t relief of certain settlers upon the Wisconsin Central Railroad and the Chicago, S Paul, Minneapolis and Omaha Railway land grants.

By the act of June 3, 1856 (11 Stat. L., 20), a grant of lands was made to aid in t construction of what is known as the Chicago, St. Paul, Minneapolis and Omal Railway. This grant was enlarged by the act of May 5, 1864 (13 Stat. L., 66), and grant was therein made to aid in the construction of what is known as the Wisconsi Central Railroad. At the time of the adjustment of the Omaha grant in the ye 1891, lands within the indemnity limits of the Omaha grant under the act of 1856 ar also within the primary limits of the Wisconsin Central grant were, under the depar mental ruling then in force, treated as excepted from the latter grant by reason of t prior reservation for indemnity purposes on account of the Omaha grant and all suc lands not needed in satisfaction for the adjustment of the Omaha grant were restor to entry, after due notice, on November 2, 1891.

The departmental ruling was subsequently changed to conform to the decision the United States Supreme Court in the case of the Wisconsin Central Railroad Co pany *v.* Forsythe (159 U. S., 46), holding that such lands were not excepted fro the Wisconsin Central grant by reason of the withdrawal under the grant of 1856 f indemnity purposes, but were embraced therein.

Congress by the act of April 19, 1904 (33 Stat. L., 184), granted relief for qualifi settlers who were misled by the departmental ruling on the point above indicate allowing the settlers in making homestead entries for other lands credit for the peri of the bona fide residence upon and the amount of their improvements made on t lands for which they were unable to complete title, but this act contained a proviso

"That no such person shall be entitled to the benefits of this act who shall fail make entry within two years after the passage of this act."

Said act having expired by limitation, such former legislation will not be affect by this proposed enactment.

This office has no way of determining the number of persons who might be affect by this bill or as to the residence and improvement upon the lands which the se tlers were prevented from completing title to. (See departmental report of Februa 7, 1908, on H. R. 13100.)

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1319.

DISPOSAL OF LANDS CHIEFLY VALUABLE FOR OIL AND ASPHALTUM.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH, of California, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 17827.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 17827) to provide for the disposal of lands chiefly valuable for oil and asphaltum, have had the same under consideration and report as follows:

The committee unanimously recommend the passage of the bill with the following amendments:

Page 1, line 3, after "States," insert "in the State of California."

Page 2, line 22, after the word "provided," add:

But nothing herein contained shall be held to deny or abridge the right to enter said lands for the purpose of discovery and development of metalliferous minerals nor the assertion of a mineral claim thereto.

Page 3, line 4, strike out "five" and insert "three."

Page 5, line 3, strike out "homestead" and insert "mineral entry."

Page 6, line 2, add: "Failure to file proof of such expenditures shall be prima facie evidence of a failure to make such expenditures."

Page 7, line 6, after "lands," insert "in the State of California."

The subject-matter of this bill was brought to the attention of the Department of the Interior by the reference to it of H. R. 6255, and the honorable Secretary of the Interior replied as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1908.

GENTLEMEN: I have the honor to submit, in compliance with your request of January 9, 1908, report on H. R. 6255, Sixtieth Congress, first session, entitled "A bill to provide for the disposal of lands chiefly valuable for oil and asphaltum."

That the present mining laws are not adapted to oil lands has long been recognized. The act of February 12, 1903, afforded some relief in providing that assessment work upon oil mining claims may be performed upon one of a group, but does not authorize the location of a claim or validate a location theretofore made where there has not been an actual discovery of oil within the limits of the claim. The bill secures to claimants the right to prospect for oil and asphaltum upon a limited area of public land with a preference right of entry within a specified time upon showing that the land is valuable for its deposits of oil or asphaltum.

It is the opinion of this Department that the bill should contain a provision excluding from claims entered under the act any known veins or lodes, but that the declarant under the provisions of this bill who in the course of his explorations upon the land included within his declaration discovers a vein or lode of asphaltum should

have a preference right to locate and enter such vein. I would therefore sugge the amendment of section 3 of the bill by adding thereto a proviso containing th stipulation. It is further believed that where a declaration covers land which co tains valuable deposits of both oil and asphaltum increased payment should b required. A proviso to this end has been added to section 4 of the bill.

It is further suggested that line 3, page 2, of the bill be amended by insertin therein the words "according to system of public land surveys;" that the wor "declarant" be substituted for the word "applicant" in line 16, and the wor "declaration" for the word "application" in lines 19 and 25; that in the lines 1 and 11, page 3, the words "nonmineral in character" be omitted and the word "valuable for its deposits of oil" substituted. In order to prevent the possible tak ing and holding of land for other than bona fide exploration purposes, it is suggeste that lines 11, 12, and 13, page 4, be amended to read as follows:

"That proceedings under this act shall not give the claimants before patent an right to the surface of said land for agricultural or grazing purposes nor for any othe purposes than that permitted by this act, nor the right to fence or inclose the land.

In line 18, same page, the words "the filing of said declaration" should be subst tuted for the word "entry," and in line 24 the words "on other land at a poir within one mile" should be substituted for the words "on land within one mile. Lines 5 to 7, inclusive, page 6, should be amended so as to read: "and ninety-sever and all other laws, so far as they allow oil and placer asphaltum claims upon th public land are hereby repealed, but nothing in this repeal shall affect proceeding heretofore begun to acquire title under any of said provisions of law so repealed."

With these modifications the Department would recommend the enactment of th proposed bill into law.

The bill with the amendments heretofore suggested will read as follows:

(NOTE.—Reintroduced as H. R. 17827, the subject of this report.)

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The COMMITTEE ON THE PUBLIC LANDS.

As indicated in the letter of the Secretary of the Interior, oil land are now obtainable only under the mining laws; but all laws for th location of a mine require a *discovery* of a valuable mineral deposit a the basis of the claim, and oil deposits seldom if ever show on or nea the surface. The explorer for oil relies upon certain geological for mations for his guide, but proof of the presence of oil is not foun until he has drilled to a great depth—in California to a depth of fror 1,000 to 3,000 feet. Up to this time public lands in that State sup posed to contain oil have been located as mining claims, but until th first well was sunk there was no valid claim to the land, the "dis covery" being entirely wanting. Men have hesitated to invest th sum necessary to sink the first well on so shadowy a claim, and hav asked for legislation that will give them a legal tenure while makin the necessary explorations.

Briefly stated, the bill provides that land believed to contain minera oil may be entered at the land office, much as a desert entry is no made, upon the payment of 25 cents per acre. Three years are allowe in which to finance the undertaking and sink the first well. The entry man does not acquire any right to the forage or timber growing o the land, except timber for domestic use while sinking his well— privilege granted to all mineral and agricultural entries; nor does h get any veins or lodes of mineral wealth discovered on the land b virtue of the oil entry.

An annual payment to the Government of 50 cents per acre or a equal expenditure in sinking for oil is required, and this provisio taken in connection with the one withholding the fruits of the surfac will, it is believed, prevent the entry or holding of lands under thi act except for the purpose of discovering and producing oil.

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1320.

CONDEMNED CANNON, ETC., FOR CONFEDERATE MONUMENT ASSOCIATION AT APPOMATTOX, VA.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 18519].

The Committee on Military Affairs, to whom was referred the bill (H. R. 18519) to authorize the Secretary of War to furnish two condemned cannon and cannon balls to the Confederate Monument Association at Appomattox, Va., report the same back to the House with the recommendation that it do pass with the following amendments:

After the word "condemned," in line 5, insert the word "bronze."

After the words "or cannon," in line 6, insert the words "with their carriages and."

This bill was referred to the Secretary of War for information and remarks, and the Chief of Ordnance has reported that the Department has on hand bronze fieldpieces of obsolete model for which it has no further use other than as old material.

They also suggest that if the bill be passed it be amended so as to include carriages with the pieces.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1321.

TO PERMIT HOMESTEAD ENTRIES AND FINAL PROOFS UPON LANDS IN MINNESOTA WITHDRAWN BY ACT OF JUNE 21, 1906.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCGUIRE, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 18779.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 18779) to permit homestead entries and final proofs upon lands in Minnesota withdrawn by act of June twenty-first, nineteen hundred and six, report the same back with the following amendment:

After the word "and," in line 12 of page 1, insert "on entries on the ceded Red Lake Reservation."

And recommend that as amended the bill do pass.

The Indian appropriation bill of 1906 contained a provision authorizing the withdrawal of all unentered ceded Chippewa lands in Minnesota pending a drainage survey and a report thereon as to the feasibility thereof and of increasing the price at which said lands should be sold sufficient to create a fund to pay for such improvement.

Under this authority the Secretary of the Interior withdrew all those lands; but in the Indian appropriation bill of last year there was a provision revoking this withdrawal in part, so as to permit entries, but subject to any future charge for drainage of the land entered. Since that time many entries have been made, subject, however, to this provision, and no final proofs can be made because the contemplated charge for drainage can never be determined unless the Government should undertake such work.

Congress, however, has hitherto failed to authorize such work and may postpone it indefinitely. In view of this situation it would involve great hardship to further suspend entries and proofs of settlers.

The lands which have been surveyed under the above provisions are all in the ceded portion of the Red Lake Reservation, and to repay the cost the price of these lands are increased 3 cents per acre, which will be sufficient to repay the Indian fund the cost of the survey. The report of the Interior Department on the bill is printed herewith,

and the committee has embodied the substance of the suggested a
ment in the amendment recommended above. The situation
settlers on these lands whose proofs and entries are suspended w
fault on their part urgently demands action, and it is the beli
this measure will afford the relief required.

DEPARTMENT OF THE INTERIO
Washington, March 25,

SIR: I have the honor to acknowledge the receipt, by your reference of M
1908, for report thereon and an expression of opinion as to the advisabilit
legislation, of H. R. 18779, entitled "A bill to permit homestead entries a
proofs upon lands in Minnesota withdrawn by act of June twenty-first, 1
hundred and six."

The Indian appropriation act of June 21, 1906 (34 Stat. L., 352), appr
$15,000 for a drainage survey of lands ceded by Chippewa Indians in the
Minnesota under the act of January 14, 1889 (25 Stat. L., 642), "which remai
and are wet, overflowed, or swampy in character, with a view to determini
portions thereof may be profitably and economically reclaimed by drain
number, location, cost, and extent of drainage ditches, canals, or improved
water courses required to afford drainage outlets, and whether sufficient fu
such means could be provided by an increase in the price at which such unso
lands should be sold in the future," said appropriation being reimbursable o
Chippewa Indian funds.

Provision was made for the withdrawal of the unsold ceded lands or any
thereof from sale or entry pending the survey.

A further appropriation of $10,000 for the same purpose was made in th
appropriation act of March 1, 1907 (34 Stat. L., 1033), and it is understood
pending Indian appropriation bill contains an appropriation of $10,000 to c
the survey mentioned.

Pursuant to said act of June 21, 1906, my predecessor, on November 10, 1
regated and withdrew from sale, occupation, or any disposition whatever al
unsold lands known as the ceded Chippewa lands pending the completio
survey. Said withdrawal affected lands in all of the ceded Chippewa rese
namely, Pigeon River, Fond du Lac, Boisfort, Deer Creek, White Oak, Chi
the Mississippi, Winnibigoshish, Leech Lake, White Earth, and Red Lake
tions.

The act of March 1, 1907 (34 Stat. L., 1033), above cited, also contained
graph to the effect that the lands withdrawn, as above stated, "shall be s
entry in the same manner as other lands so ceded, subject to the provision, h
that the entryman shall be required, in addition to the fees and charges now au
by law, to pay a pro rata charge for the examination and investigation of the
and overflowed character of the land and for the drainage and reclamation t

Instructions in regard thereto were given to the local officers on March 2
and referred to circulars containing descriptions of land in all of the rese
mentioned above.

The survey of the lands provided for in said act of June 21, 1906, was
officers of the Geological Survey and was confined to lands in the Red Lak
vation. The result of the first year of their work is found in House Docum
607, Fifty-ninth Congress, second session. Further information in regar
survey is found in a report of a hearing on H. R. 15666, now pending, held F
11, 1908, said report being entitled "Drainage of certain lands held in trus
Chippewa Indians in Minnesota."

The drainage surveys already made and the surveys contemplated all
lands in the Red Lake Indian Reservation, and I am informally advised
Geological Survey that no survey of lands in any of the other reservations is p

The Geological Survey recently computed the area of the undisposed of
the Red Lake Reservation on November 10, 1906, at the date of the withdrawa
mentioned, and found that there were 1,729,070 acres unappropriated.

In view of the foregoing it is believed that the drainage charges mentione
be confined to the unappropriated lands in the Red Lake Reservation, an
lands in any of the other reservations mentioned.

I have therefore to recommend that there be inserted in line 4, page 1,
word "ceded," the words "lands in the Red Lake Indian Reservation, be

the;" that in lieu of the word "lands," in line 4, page 1, there be substituted the word "reservations," and that there be inserted in line 3, page 2, a proviso as follows:

"*Provided*, That homestead entries and final proofs may be made, and patents may issue thereon as in other homestead entries, for all ceded Chippewa lands in other reservations than the Red Lake Reservation, without the payment by the entryman of said additional sum of three cents per acre."

Enough money will be realized from the 3 cents per acre assessment on the Red Lake lands to reimburse the Chippewa Indian fund for the moneys appropriated for said drainage surveys, which, as stated, have been confined to Red Lake lands, and have not benefited in any way lands in any other Chippewa Indian reservation.

If the bill is amended in the particulars mentioned above, I am of opinion that the bill should be enacted into law, and would so recommend.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary*.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1322.

FILIPINO STUDENTS AT UNITED STATES MILITARY ACADEMY.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. R. 49.]

The Committee on Military Affairs, to whom was referred the resolution (S. R. 49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy, report the same back to the House with the recommendation that it do pass with the following amendment:

Add after the end of line 11 the words "said cadets on graduation shall be eligible only to commissions in the Philippine Scouts and."

This measure passed the Senate on February 21, 1908, and as a full report was made thereon the same is hereto attached and made a part of this report.

[Senate Report No. 244, Sixtieth Congress, first session.]

The Committee on Military Affairs, which has had under consideration the joint resolution (S. R. No. 49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy, hereby presents a favorable report upon the same, and recommends that it be passed with the following amendments:

In line 7 strike out the words "Filipino cadets," and insert in lieu thereof the words "Filipinos undergoing instruction, as;" and insert a comma after the word "authorized."

In line 13 strike out the words "Filipino cadets" and insert in lieu thereof the words "Filipinos undergoing instruction."

Your committee believes that the suggestions of the Secretary of War, as expressed in the following letter, are very appropriate, and that the efficiency of the Philippine Scouts would be materially increased by the enactment of the proposed resolution:

WAR DEPARTMENT,
Washington, January 28, 1908.

SIR: I have the honor to invite attention to the following extract from my recent report to the President on the Philippine Islands:

"As it is thought that better results will be obtained if a few young Filipinos, especially selected, be appointed to the United States Military Academy with a view to their being commissioned officers of scouts upon graduation, I strongly recommend that Congress, by appropriate legislation, authorize the appointment of seven young Filipinos, or one for about every million inhabitants of those islands, as cadets at the Military Academy at West Point. This action on the part of Congress would, in my

judgment, tend to further increase the zeal and efficiency of a body of troops wh has always rendered faithful and satisfactory services."

The present method of securing commissioned officers for the Philippine Scout prescribed in section 36 of the act approved February 2, 1901, and is not wholly sat factory. I think if the foregoing suggestions as to Filipino cadets were carried the results could hardly fail to be beneficial. The high standard of thought a action inculcated at the Military Academy could not but impress itself in some co siderable degree upon the young Filipinos, and when these returned to their nati islands they would carry with them ideas and standards valuable to their own peop and hence valuable to us.

Section 1321, Revised Statutes, should be modified in its application to th cadets so as to require them to engage to serve for eight years in the scouts; and view of this engagement it would be only fair that they should receive the same pa allowances, and emoluments as other cadets. The Philippine Commission sugge itself as the most suitable body to designate the candidates to be given these ca appointments. To indicate more precisely the nature and limits of this recommen tion, I inclose a draft of a joint resolution, which would effect the object I have mind, to commend to the favorable consideration of the law-making body.

Very respectfully,

WM. H. TAFT, *Secretary of War.*

Senator FRANCIS E. WARREN,
Chairman Committee on Military Affairs, United States Senate.

P. S.—Would it not be possible, instead of introducing a joint resolution, to this item inserted in the Military Academy bill?

[Part of act approved February 2, 1901.]

SEC. 36. That when in his opinion the conditions in the Philippine Islands just such action the President is authorized to enlist natives of those islands for service the Army, to be organized as scouts, with such officers as he shall deem necess for their proper control, or as troops or companies, as authorized by this act, for t Regular Army. The President is further authorized, in his discretion, to form co panies, organized as are companies of the Regular Army, in squadrons or battalio with officers and noncommissioned officers corresponding to similar organizations the cavalry and infantry arms. The total number of enlisted men in said nati organizations shall not exceed twelve thousand, and the total enlisted force of t line of the Army, together with such native force, shall not exceed at any one ti one hundred thousand.

The majors to command the squadrons and battalions shall be selected by t President from captains of the line of the Regular Army, and while so serving th shall have the rank, pay, and allowances of the grade of major. The captains of t troops or companies shall be selected by the President from first lieutenants of t line of the Regular Army, and while so serving they shall have the rank, pay, a allowances of captain of the arm to which assigned. The squadron and battali staff officers, and first and second lieutenants of companies, may be selected fr the noncommissioned officers or enlisted men of the Regular Army of not less th two years' service, or from officers or noncommissioned officers or enlisted m serving, or who have served, in the volunteers subsequent to April twenty-fir eighteen hundred and ninety-eight, and officers of those grades shall be given p visional appointments for periods of four years each, and no such appointment sh be continued for a second or subsequent term unless the officer's conduct shall ha been satisfactory in every respect. The pay and allowances of provisional officers native organizations shall be those authorized for officers of like grades in the Re lar Army. The pay, rations, and clothing allowances to be authorized for t enlisted men shall be fixed by the Secretary of War, and shall not exceed th authorized for the Regular Army.

When, in the opinion of the President, natives of the Philippine Islands shall, their services and character, show fitness for command, the President is authoriz to make provisional appointments to the grades of second and first lieutenants fr such natives, who, when so appointed, shall have the pay and allowances to be fix by the Secretary of War, not exceeding those of corresponding grades of the Regu Army.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1323.

OFFICE OF CAPTAIN IN PHILIPPINE SCOUTS.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 652.]

The Committee on Military Affairs, to whom was referred the bill (S. 652) to create the office of captain in the Philippine Scouts, report the same back to the House with the recommendation that it do pass.

This bill passed the Senate on February 13, 1908, and the report made thereon is hereto attached and made a part of this report.

[Senate Report No. 176, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 652) to create the office of captain in the Philippine Scouts, has considered the same carefully and now begs leave to report it back to the Senate favorably, recommending its passage without amendment.

A similar measure was favorably reported (S. Rept. No. 5530) and passed the Senate in the Fifty-ninth Congress.

The organization of Philippine Scouts was made by the President in pursuance of authority conferred by section 36 of the act of February 2, 1901. (31 Stat. L., 748.)

The reasons for the enactment of the legislation proposed in the pending bill are fully set forth in the report of the honorable Secretary of War for the year 1904, from which the following is quoted:

"The Philippine Scouts number now a little over 4,000. Half of these companies have been employed in connection with the native constabulary of the Philippine Archipelago in the suppression of the ladrones and have rendered very efficient service. The yare amenable to discipline, have a martial spirit, and make excellent soldiers. It is a wise policy by which there shall be maintained in the Philippine Islands, as long as the United States remains in control of them, a small but well-trained Filipino army.

"In the training of these soldiers there should be no halfway measures. If they are to be made soldiers at all, they should be made good soldiers. They should be trained as the American soldiers are, with the same discipline and the same rifle practice, and they ought to have, and need, rather more than American soldiers do, a full complement of officers. There are now in the service two lieutenants to each company. Many of them have rendered praiseworthy service and are entitled to promotion. It seems to me wise, therefore, to create the office of captain in these companies, not for life, but for a term of four years, and to limit the eligibles fo

appointment to those who are lieutenants in the scouts. The law now provides the appointment of majors from the regular line to command battalions, of wh there would be, if the force were formed into battalions, 13.

"With a regular officer as major and the scout officers as captains and lieutena the discipline and efficiency of the Philippine Scouts could be largely increase only the additional cost of the payment of the captains, some 50 in number. I nestly recommend that this change be adopted. The present law provides for appointment of captains of scouts from the lieutenants and captains of the Reg Army, but the truth is that the Regular Army can not stand the drain of its offi for such a purpose. The use of 13 majors is as much as the Regular Army should called upon to supply for this purpose. There are a few of the lieutenants in scout companies that are Filipinos, but most of them are Americans."

As there are now in service 50 companies of Philippine Scouts, the operation of legislation herein suggested would be to add 50 officers of the grade of captain to existing military establishment.

Your committee is unanimously in accord with the honorable Secretary in opinion that the creation of the office of captain in the Philippine Scouts would greatly beneficial to that organization, and earnestly indorses the proposed legislati

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1324.

AUTHORIZING MINNESOTA AND MANITOBA RAILWAY COMPANY TO CONVEY CERTAIN LAND.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. VOLSTEAD, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 4645.]

The Committee on the Public Lands, to whom was referred the bill (S. 4645) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900, report the same back with the following amendments:

Page 1, line 5, after the word "assigns," insert "such part as may not be needed for railway purposes of."

Page 2, line 3, strike out the words "to said land."

Page 2, lines 4 and 5, strike out the words "for the purpose of said conveyance," and insert in lieu thereof "to such part thereof as shall be conveyed to said Thomas Cathcart."

And as amended your committee recommend the bill do pass.

This land was a part of the Red Lake Indian Reservation, which was ceded to the United States January 14, 1889. After the land had been so ceded Thomas Cathcart made a settlement upon the land and built a house thereon valued at about $4,000, and made other improvements consisting of barns and stables and other buildings, and cleared between 45 and 50 acres of land, at a cost of $90 to $100 per acre, the land having been heavily timbered, all of his improvements being of the value of $7,000 to $8,000, as will more fully appear from a decision of the Interior Department in a contest over this land between Mr. Cathcart and the railway company. After these improvements had been made the Minnesota and Manitoba Railway Company were, by an act of Congress dated April 17, 1900, given the right to select a railway right of way and other lands for railway purposes. Under this grant this railway company selected the land in question. This grant has

been held superior to the claim of Mr. Cathcart for the reason that t land had not been opened to settlement at the time the grant was ma Cathcart has occupied this land as his home for more than fifteen ye and is still in possession of the land except such part thereof as is u for railway right of way and station grounds. The land authori by this bill to be conveyed is not used by the railway company and is represented to the committee that the railway company is willing convey this land to Mr. Cathcart, reserving, however, such part as m be needed for railway purposes.

The attempt to locate a town site upon this land has been abandor and there are no adverse claims to any of the land by reason of su attempted locations.

There does not appear to be any good reason why the author sought in this bill should not be granted. It is believed that this w enable Mr. Cathcart to secure title to his home, and as the Governm has for all practical purposes parted with title to the land under t original grant the effect of the proposed legislation only removes restr tion upon the alienation of the tract, a restriction intended to secu the construction of the railway, an object which has already be accomplished.

Herewith is the report from the Department of the Interior on the b

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 190

SIR: I have your letter of March 2, 1908, inclosing H. R. 18269, a bill to autho the Minnesota and Manitoba Railroad Company to convey certain lands grante it by the act of Congress approved April 17, 1900 (31 Stats., 134), and requestir report thereon and information as to the status of the land and the form of the b

In compliance with your request I have to state that the tracts of land referre were formerly within the Red Lake Indian Reservation, were ceded to the Uni States under the provisions of the act of January 14, 1889 (25 Stat. L., 642), were opened to settlement and entry on November 10, 1903.

By said act of April 17, 1900, a right of way was granted to the above-named c pany for its line of road and land for station purposes along its line, with 40 a additional at the crossing of Rainy River. In accordance with the terms of the the company on July 13, 1900, filed in the local land office a map showing definite location of road and station grounds selected by it at the Rainy River cr ing, embracing all of lots 3 and 4 and a strip 140 feet in width off the east side the SW. ¼ sec. 35, T. 161 N., R. 31 W. Later an amended map was filed which approved by the Department.

On June 21, 1906, Thomas Cathcart made homestead entry No. 8774, for the E SW. ¼, which includes the 140-foot strip selected by the company, and patent iss to him January 30, 1908, subject to the rights of the company.

Lots 3 and 4 were embraced with the E. ½ SW. ¼ in Cathcart's homestead appli tion, and they were also embraced in an application for a townsite entry made the judge of the district court under sections 2387, 2388, and 2389, Revised Statu but the railroad company's claim was held superior to either of these applicatio and the applications were rejected by this Department on May 26, 1906, in the c of Cathcart et al. v. The Minnesota and Manitoba Railroad Company, which reported in volume 34 of the Land Decisions, at page 619, and from which decis you can obtain a statement as to the value and extent of the improvements alle to have been made on these lands by Cathcart and the townsite claimants.

The statute under which this right of way and the lands were granted to the r road company specifies "that no part of the lands herein granted shall be used ex in such manner and for such purposes only as are necessary for the construction, ma tenance, and convenient operation of said railroad."

From this it would seem that the railroad company secured only an easement that Cathcart took the fee to the E. ½ SW. ¼ charged with that easement, and abandonment by the company would relieve his land of the servitude.

This Department is not advised as to any good reason why this company sho be permitted to sell the lands in lots 3 and 4 which are indicated on the plat with transmitted. Neither is it advised as to the nature and extent of the

townsite occupation of these lands, if such occupation continues to exist. It would seem that if it is the purpose of the railroad company to abandon these lands, the rights of persons who may now be occupying these lands for townsite purposes should be taken into consideration and be given adequate protection.

It does not seem clear from the language of the bill as to whether it was intended to enable the company to convey a fee-simple title to Cathcart to lots 3 and 4, or to simply release any claim of easement it may have obtained under the statute. In my judgment, the bill should be made more specific on that point.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1325.

PURCHASE OF LAND ADJOINING FORT SHERIDAN, ILL.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, of Iowa, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5665.]

The Committee on Military Affairs, to whom was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., report the same back to the House with the recommendation that it do pass.

This measure passed the Senate on March 19, and as a very full report was made in the Senate, the same is hereto attached and made a part of this report.

[Senate Report No. 377, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., makes a favorable report thereon to the Senate and recommends the passage of the bill with the following amendments:

In line 4 strike out the words "an eleven-acre."

In line 6, after "Illinois," insert "and containing eleven and five-tenths acres, more or less."

After the word "land," in line 11, insert the following:

"*Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto."

The matter of the purchase of this property has been pending in the War Department for a number of years, and has been given most careful consideration. Your committee concurs in the favorable recommendations made by the Quartermaster-General and the Secretary of War in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 28, 1908.

Respectfully returned to the Secretary of War.

The object of this bill is to carry out the proposition of the War Department to purchase a triangular tract of land on the northeast corner of the Fort Sheridan Reservation, bordering on the lake and understood to contain 11.5 acres, more or less.

The amount herein named is that agreed upon by the Secretary of War and owner of the land as a proper price to be paid for the land.

It is suggested that the bill be amended so as to provide for the purchase of acres, more or less, instead of 11 acres, and as thus amended it is recommende favorable consideration.

J. B. ALESHIRE,
Quartermaster-General, U. S. Ar

[Third indorsement.]

WAR DEPARTMENT, *March 2, 19*

Respectfully returned to the Chairman, Committee on Military Affairs, U. S. ate, inviting attention to the foregoing report of the Quartermaster-General o Army, which states the facts in the case.

This matter is one which has been pending before the Department for a nu of years, and to which the most careful consideration has been given by the mil authorities.

The price for the property was determined by me after making a personal in tion of the property and securing what is believed to be competent and disinter expert advice. It is considerably less than the value heretofore placed upo property by the owner.

I inclose a copy of the bill amended as suggested by the Quartermaster-Ge and also amended to include in the purchase price the satisfaction of all claim damages to this tract and remainder of the 31-acre lot belonging to the same o and of which this triangular tract is a part, by reason of the proximity of the Sheridan target range.

I recommend the measure as thus amended to the favorable consideratio Congress.

WM. H. TAFT,
Secretary of W

[Inclosure.—Amended bill].

A BILL For the purchase of land for the use of the military post at Fort Sheridan, Illinoi

Be it enacted by the Senate and House of Representatives of the United States of Am in Congress assembled, That the Secretary of War be, and he is hereby, authoriz enter into negotiations for and purchase of a triangular tract of land lying adj to and adjoining the military post at Fort Sheridan, Illinois, and containing e and five-tenths acres, more or less, said tract of land having a frontage on the shore of Lake Michigan, in the county of Lake, State of Illinois. The sum of th six thousand seven hundred and seven dollars and fifty cents is hereby appropri out of any money in the Treasury not otherwise appropriated, for payment of tract of land: *Provided*, That the purchase price to be paid for said tract shall in a settlement in full of all claims for damage to said tract and to all other pro belonging to the same owner and adjacent thereto.

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CLAIMS AGAINST MENOMINEE INDIANS.

MARCH 26, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. LINDBERGH, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 4791.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4791, identical with H. R. 16234) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe, have given due consideration to the same and report as follows:

We find that the subject-matter of this bill is practically the same as House bill 19500, Fifty-ninth Congress, second session, which was passed by both Houses and failed to obtain the President's signature; that this proposed legislation provides for the adjudication of the claims of certain traders and others who furnished supplies at the request of the Menominee tribe of Indians for logging purposes and gives the Court of Claims full jurisdiction in the premises.

This action is approved and recommended by the Commissioner of Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1908.

MY DEAR SENATOR: This is to acknowledge receipt of your letter of January 16, with which you inclosed one from Marion Wescott, of Wisconsin, in reference to H. R. 19500, for the relief of Indian traders dealing with the Menominee Indians of Wisconsin. You asked that a reply be made to Mr. Wescott in your care. But instead of writing to Mr. Wescott I am addressing the letter to you.

Mr. Wescott says that the bill was passed at the second session of the Fifty-ninth Congress, but failed to receive the approval of the President "upon some recommendation made by the Commissioner of Indian Affairs."

In response I have to say that an examination of the records shows that the last report made concerning the claims set forth in the bill was on December 10, 1903. In that report it was said that the whole matter resolved itself into a debt between the individual Indians and the traders in which the Menominee tribe as a body had no interest and should not be a party.

The bill which failed to receive the President's approval provided for conferring jurisdiction upon the Court of Claims to hear and report findings of fact to Congress

Joseph G[illegible]ther, a M[illegible] [illegible] is who furnished suppl[illegible] goods, etc., to certain Menominee Indians.

This bill is in perfect harmony with the position that I have taken in such matte I believe that the proper tribunal to determine questions of this kind is a court competent jurisdiction; and, should a bill having for its object the conferring of ju diction on the Court of Claims to hear this case be referred to me for considerati it would receive my favorable recommendation, being closely in line with my adop policy.

Very respectfully,

F. E. LEUPP,
Commissioner

Hon. ISAAC STEPHENSON,
United States Senate.

The traders whom this bill is calculated to relieve and the amou claimed by them are as follows:

H. W. Gilkey	$3,943.
Do	2,049.
Herman Hankwitz	20,845.
Herman Hankwitz & Co	1,496.
W. P. Cook & Bro	840.
M. Wescott	7,097.
J. A. Liege (assignee of J. F. Gauthier)	18,392.
F. F. Green	13,087.

Your committee recommend the passage of the bill with the follo ing amendments:

On page 1, line 6, after the word "due," insert the words "witho interest."

On page 1, line 7, strike out the words "certain Indian" and ins "H. W. Gilkey, Herman Hankwitz, Herman Hankwitz & Compar W. P. Cook & Brother, M. Wescott, J. A. Liege, assignee of J. Gauthier, F. F. Green."

On page 1, line 8, strike out the words "and others."

Your committee calls attention to and makes a part of this rep copy of the report to the House of Representatives by the Committ on Indian Affairs in the second session of the Fifty-ninth Congress H. R. 19500, a similar bill, as follows:

[House Report No. 4430, Fifty-ninth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 19500) the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assig of Joseph F. Gauthier, a Menominee Indian trader with the Menominee Indian Wisconsin, begs leave to report:

Your committee has given the subject-matter of the bill due consideration, finds that said Marion Wescott, of Shawano, Wis., and F. F. Green, of Shawa Wis., were regularly licensed Indian traders on the Menominee Indian Reservat at various times, and that J. A. Leige, of Shawano, Wis., is the assignee of Joseph Gauthier, a full-blooded Menominee Indian, and as such, a trader without lice with the Menominee Indians residing on the Menominee Reservation, in the Gr Bay Agency, in the State of Wisconsin; that the aforesaid traders, in the course their legitimate transactions with the said Menominee Indians at various times, shown by the itemized accounts hereto attached and made a part hereof, by re ence, have sold goods, wares, and merchandise to Indians living on said reservati for which they have not been paid; that credit was given to said Indians for the p pose of furnishing such of them as had contracted for logging work for the benefi the whole tribe with supplies for their use and maintenance in their logging can and similar employment under said contract. The names and amounts advan each of these said Menominee Indians from the tribe are fully set forth in detail the accompanying statements,[a] filed herewith and made a part hereof as exhi 1, 2, and 3.

[a] Not furnished.

It appears from the evidence submitted to us that these logging operations were for the benefit of the whole tribe, and that, having been duly authorized to cut and sell the "dead and down" timber, it was necessary that they should be supplied and supported at the expense of the tribe, inasmuch as the entire net profits of these operations created a fund for the benefit of the tribe; that during some of the seasons these operations resulted in a loss rather than a profit is not the fault of the traders, but their good faith in supplying the Indians, notwithstanding such conditions, is apparent, and the tribal funds should pay the traders just the same as if they had been profitable. This view is borne out by the letter of Shepard Freeman, United States Indian agent at Green Bay Agency, dated December 2, 1903, addressed to the Commissioner of Indian Affairs, which is as follows:

GREEN BAY INDIAN AGENCY,
Keshena, Wis., December 2, 1903.

SIR: In reply to Department letter dated August 13, 1903, I have the honor to submit the following report:

That Marion Wescott and F. F. Green were regularly licensed Indian traders. I am unable to find a copy of the license under which the above parties traded, but from other documents on file in this office, together with outside information, I have no doubt that both men were regularly licensed traders. I believe that Mr. Wescott was licensed in the fall of 1879 or the spring of 1880 and was here until the fall of 1885 or spring of 1886. Mr. Green succeeded Mr. Wescott.

Joseph F. Gauthier was an enrolled member of the Menominee tribe of Indians at the time he was trading and he is still a member of said tribe.

I can not find that any restrictions were placed upon the traders as to the amount of credit they were to advance to the Indians. As I understand it, it was a question of judgment on the part of the trader as to the amount he would advance to an Indian. He took his chances as to whether or not he would get his pay.

The records of this office do not show that any contract for the banking of logs was regularly entered into with the Indians. The Indians banked the logs in companies, and after all expenses had been paid they divided the balance, if any was due, between the members of the company. The logging of dead and down first started in the winter of 1881–82. In November, 1881, a council meeting of the tribe was held for the purpose of finding some way by which they could obtain supplies. There was present at this meeting Special Agent Wright, of Baltimore, Md. At this meeting the trader, Mr. Wescott, was called in and after a talk with the Indians he agreed to furnish supplies in order to allow the Indians to carry on their logging operations. The amount limited to the loggers in camp was to be $2.50 per 1,000 feet. He was also to furnish the families of the men in the woods, but the amount was left to his discretion. It is claimed by Mr. Wescott that the Indians agreed at this time that his supply bill should be paid before any other of the bills were paid.

Shortly after this the question arose as to the authority of the Indians to cut and bank dead and down timber. The matter was brought before the Commissioner of Indian Affairs and the result was an act of Congress. (Indian Affairs, Laws and Treaties, vol. 1, p. 194, chap. 55, approved March 31, 1882.)

The report of the above-mentioned council meeting is mere hearsay, as there are no records in this office that I can find which show that any such meeting was held.

Mr. Wescott does not claim that the Government or the agent on the part of the Government guaranteed any of these amounts, but thinks that he should have been paid for the supplies advanced before the Government deducted the amount that went into the stumpage fund and the amount paid for scaling and sale of said logs.

There was a great deal of logging carried on from 1881–82 up to and including the season of 1884–85, and it is also true that the logging operations were unsuccessful, and that at the end of the season last stated the Indians owed large sums of money to the various traders.

As has been stated hereinbefore, there were no regular contracts entered into between the Government and the Indians for the cutting and banking of dead and down timber. The Indians were not restricted in the amount they could cut. Several Indians banded together and formed a company for the purpose of banking logs. They selected one of their members as foreman. All supplies for the company were purchased by him, and he looked after all of the outside business of the company of which he was foreman. The Indians who formed a company came to the office and gave the agent the name of their foreman and the names of the different Indians who belonged to that company. In some cases a member of the company furnished a team and then he was allowed an extra share. The company was known under the name of the Foreman & Co., and all company accounts were charged to the Foreman & Co.

The Indians at this time were not supposed to put in any timber except dea down, and where the Indian cut green timber the value of the green timb deducted from the amount due him for the dead and down he had banked. deducting the value of the green timber from the dead and down, 10 per cent balance was deducted for the stumpage and was placed in the stumpage or poo of the tribe.

The cost of the scaling of the logs and the sale of the logs was next deducted the amount due for dead and down, after deducting the value of the green ti and then if any orders were on file with the agent against the company these also deducted.

After deducting the value of the green timber, stumpage, cost of scaling, an of logs, and the orders which were on file, the balance left was divided e among the members of the company, according to the number of shares they h said company.

As I understand it, after the Indians had been settled with they took their and settled their own bills, and in case they did not have money enough to pa bills or they refused to pay their bills then the trader would be the loser. I d understand that the Government in any way, shape, or manner guaranteed th ment of these bills. The trader in advancing credit took the risk of a bad and of the Indians paying their bills.

The only amount that went into the tribal funds was the amount charge Indians for stumpage. The rest went to the individual members after paym the scaling and sale of said logs.

I herewith inclose a list of the bills filed in this office, together with the b Dudley & Michener, and letter from the Acting Secretary of the Interior.

I wish to call your attention to the fact that both on the brief of Dudley & ener and the list of the accounts which I have forwarded certain names are ch with a red cross in front of them. Those so checked were not at the time of th tracting of these bills members of the Menominee tribe of Indians, and they a now. F. F. Green, as far as I can learn, failed to file any accounts.

Respectfully, yours,

SHEPARD FREEMAN,
United States Indian A

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Your committee is satisfied that these accounts ought to be paid, after prop amination and investigation by the Secretary of the Interior. The object of t is stated in the second section thereof, which provides that the Secretary Interior shall cause to be paid, out of the funds due to the said Menominee tr Indians now in the hands of the United States Government, such sums as he find to be justly due and owing from the said Menominee Indians to the said M Wescott and and F. F. Green, as such licensed Indian traders, and to the said Leige, as assignee of Joseph F. Gauthier, a Menominee Indian, who likewise t with this tribe without license, and shall cha ge the same, when paid, to said Me nee tribe of Indians in his settlement with them. It is apparent that only sums shall be paid to these traders as shall be found to be justly due them afte investigation and examination of their accounts by the Secretary of the Interi

This bill is identical with H. R. 14327, Fifty-eighth Congress, third session, e it provides that payments shall be made to the receiver of the parties in int and the report then made is adopted. Your committee recommends that th do pass.

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AMENDING SECTION 5438 OF REVISED STATUTES RELATIVE TO SALE OF ARMS, CLOTHING, OR OTHER PUBLIC PROPERTY BY SOLDIERS, SAILORS, OFFICERS, AND OTHERS.

MARCH 26, 1908.—Referred to the House Calender and ordered to be printed.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19462.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 19462) to amend section 5438 of the Revised Statutes, report the same back to the House with the recommendation that it do pass, with the following amendments:

Strike out in line 22, page 2, the words "less than one nor."

Strike out in line 23, page 2, the words "less than one thousand nor."

Strike out in line 7, page 3, the words "less than six months nor."

The effect of these amendments is to make it clear that an enlisted man can not sell his clothing "whether furnished to the soldier under a clothing allowance or otherwise," and is made necessary by a decision of Judge Maxey of the United States district court that the soldier's clothing is part of the compensation promised him in the contract with the Government at the time of his enlistment and therefore his to dispose of as he will.

The second amendment is inserted on the recommendation of the Judge-Advocate-General of the Army. It slightly reduces the penalty and makes it more certain that juries will convict.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, March 16, 1908.

MY DEAR MR. SLAYDEN: I beg to inclose herewith the draft of an amendment to section 5438 of the Revised Statutes. The new matter is underscored in red, and the matter which it is proposed to omit is marked for erasure.

You will recall that Judge Maxey's objection grew out of a doubt as to the ownership of the clothing which was alleged to have been purchased of the soldier in violation of the statute. It is the purpose of the amendment to remove this objection to the prosecution of a proper case by the insertion of the words "whether furnished to the soldier under a clothing allowance or otherwise."

penalty now imposed is very severe, having been enacted during the progres civil war. With a view to remove this objection, the penalty is somewhat in the draft which is inclosed. The original penalty, which is underscored is left applicable to the more serious offenses, which are described in the early of the section, leaving the modified penalty to apply to the less serious which are referred to in its concluding clauses.

And I remain, as always, faithfully, yours,

GEO. B. DAVI
Judge-Advocate-Ge

HON. JAMES L. SLAYDEN,
House of Representatives.

O

SALE OF REMNANT OF CERTAIN INDIAN PASTURE AND WOOD RESERVE LANDS IN OKLAHOMA, ETC.

MARCH 26, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS, of Texas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 19176.]

The Committee on Indian Affairs, to whom was submitted the bill (H. R. 19176) "to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes," beg leave to report the same with the recommendation that it do pass, with the following amendments:

In lines 19 and 20, page 2, strike out "Commissioner of the General Land Office" and insert in lieu thereof "Secretary of the Interior."

Also, on same page, in lines 24 and 25, strike out "Commissioner of the General Land Office" and insert in lieu thereof "Secretary of the Interior."

On pages 3 and 4 strike out all of section 4, the same being the last section in the bill. This section had become a law, substantially, at this session of Congress.

Section 1 provides for selling the unsold remnants of lands in the pasture and wood reserves in the Kiowa, Comanche, and Apache reservations in Oklahoma under the acts of June 5, 1906, and June 6, 1900. Said sales will be made on sealed bids to the highest bidder in blocks of 160 acres to each bidder and without the necessity of settling thereon, and it further provides that all of the Indian children born in said tribes since June 5, 1906, shall each be allotted 160 acres of said land. This land is scattered over said reserves, and is land that failed to bring more than $5 per acre one year ago when these lands were offered for sale under the act of June 5, 1906. These lands are therefore mainly pasture lands and much of it rough lands and not suitable for homestead, but would be valuable for grazing purposes, hence your committee thought it would be unwise to require settlement of the land by the purchaser.

Sections 2 and 3 provide that bidders under the said act of June 5, 1906, who failed to get the land that they bid upon because of clerical errors, or by an honest mistake on the part of the bidder as to the number of the land upon which he bid, shall have the money advanced to the Government refunded to them out of the funds arising from the sale of said lands. But such bidder seeking such relief must show to the satisfaction of the Secretary of the Interior that the bid was actually the result of a clerical mistake, or was due to an honest mistake on the part of the bidder seeking relief as to the number of the land upon

The bill as here amended by your committee, and recommended
Secretary, is as follows:

[H. R. 19176, Sixtieth Congress, first session.]

A BILL To provide for the sale of the remnant of certain Indian pasture and wood reser
Oklahoma, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of A
Congress assembled*, That the tracts of land remaining unsold in the Kiowa, Co
and Apache reservations under the act of June fifth, nineteen hundred and
also under the act of June sixth, nineteen hundred, shall be again and at onc
for sale and sold under the provisions and terms of said act of June fifth,
hundred and six: *Provided*, That said lands shall be sold under such regul
may be prescribed by the Secretary of the Interior and for not less than o
per acre: *And provided further*, That any purchaser of said land may at h
pay the entire amount that is due in cash for such land and receive his title
without the necessity of actually settling thereon: *Provided further*, That bef
ing said lands for sale the Secretary of the Interior shall allot one hundred a
acres of land to each child of Indian parentage born since June fifth, ninet
dred and six, whose father or mother was a duly enrolled member of ei
Kiowa, Comanche, or Apache tribe of Indians and entitled to allotment
under the act of June fifth, nineteen hundred and six, opening said Kiowa, Co
and Apache reservations to settlement, said allotments to be made out of land
ing unsold known as the pasture reserves in said reservations.

SEC. 2. That all moneys forfeited under the regulations issued October nin
nineteen hundred and six, by the Secretary of the Interior under the act
"An act to open for settlement five hundred and five thousand acres of la
Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," a
June fifth, nineteen hundred and six, be repaid to the persons by wh
moneys were deposited in every case where it shall be made to appear to the
tion of the Secretary of the Interior that the bid upon which the award w
was the result of a clerical error, or was due to an honest mistake on the pa
bidder as to the numbers of land upon which his bid was made.

SEC. 3. That the Secretary of the Interior shall make all necessary rules a
all necessary instructions to carry the provisions of this act into effect, and
ment of the deposits herein provided for shall be paid out of any moneys c
in the Treasury of the United States as the proceeds arising from the sale
under said act of June fifth, nineteen hundred and six, and an appropriat
cient in amount to cover such cases is hereby made: *Provided further*, That
son who has heretofore entered any of said land under said act of June fifth,
hundred and six, shall receive patents therefor by paying all the deferre
ments of purchase money and proving compliance with the requirement
homestead laws at any time after the expiration of ten months from the da
entry.

Your committee herewith submit the letter of the Secretary
Interior recommending the passage of this bill (H. R. 19176),
lows:

DEPARTMENT OF THE INTERIC
Washington, March 25

SIR: I am in receipt, by your reference for a report thereon, of a copy of H.
entitled "A bill to provide for the sale of the remnant of certain Indian pas
wood-reserve lands in Oklahoma, and for other purposes."

Section 1 of the bill authorizes the sale of that part of the Kiowa, Coman
Apache reservations, Okla., which was not disposed of in accordance with
visions of the acts of June 5, 1906 (34 Stat. L., 213), and June 6, 1900 (31
667–672), under regulations to be prescribed by the Secretary of the Interic
less than $1 per acre, and gives the purchaser the option of securing titl
without compliance with the homestead laws by payment of the entire a
the purchase price in cash, and authorizes further the allotment of 160 ac
these lands to each child of Indian parentage born since June 5, 1906, who
or mother was a duly enrolled member of either the Kiowa, Comanche, o
tribe of Indians and entitled to an allotment under said act of June 5, 1906.

The views of the Department with respect to the unsold lands lying w
Kiowa, Comanche, and Apache pasture reserves were embodied in my
January 28, 1908, to you on H. R. 11750.

The Commissioner of Indian Affairs then informed them that this was possible only by special enactment, and that if legislation authorizing the allotments should be introduced, and it came before the Department for report, he would recommend favorable action.

Section 2 of the bill provides for the repayment in certain cases of moneys forfeited by persons by reason of their failure to make entries for lands awarded to them in accordance with regulations approved by the Department on August 19, 1906.

The position of the Department in these repayment cases was fully explained also in my letter to you reporting on H. R. 11750.

Section 3 provides for the making of rules and the issuance of instructions by the Commissioner of the General Land Office to carry the provisions of the act into effect and for the repayment of the deposits as provided for in section 2.

As that part of the bill relating to allotments is within the jurisdiction of the Commissioner of Indian Affairs, I respectfully recommend that this section be amended by striking out the words "Commissioner of the General Land Office" in lines 24 and 25 of page 2 and the substitution in lieu thereof of the words "Secretary of the Interior."

Section 4 of the bill authorizes the Secretary of the Interior to plat and sell certain lands, in accordance with section 2381 of the Revised Statutes of the United States, for townsite purposes, the proceeds, after the expense of sale and the erection of two suitable school buildings, to be deposited to the credit of these Indians.

These lands adjoin the town of Lawton, Okla., and are at present part of the Indian school farm at Fort Sill.

Under date of January 20, 1908, the United States Indian agent in charge of the Kiowa Agency reported favorably on the intended sale and said that the Fort Sill Indian School would have sufficient land for its use without the tract.

As the lands are not needed for the Indian school I am of the opinion that they might well be sold.

With the amendment suggested above I recommend that H. R. 19176 receive favorable consideration.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

Your committee find that H. R. 16059, on the same subject as this bill, has been the subject of a letter (after examination) by the Commissioner of Indian Affairs to the chairman of this committee and that said letter recommends the passage of this bill (H. R. 16059) with certain amendments, which amendments are found in H. R. 19176. Said bill and letter are as follows:

[H. R. 16059, Sixtieth Congress, first session.]

A BILL To provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma and to extend the time of payment on certain homestead entries upon said land heretofore sold, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the act of June fifth, nineteen hundred and six, and also under the act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said act of June fifth, nineteen hundred and six: *Provided,* That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further,* That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon.

SEC. 2. That the time in which all payments required by the acts entitled "An act to open for settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the act entitled "An act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, be, and the same is hereby, postponed and

extended for one year from the date on which such payments are now by required to be made: *Provided*, That such deferred payments shall draw intere the rate of five per centum per annum: *Provided further*, That any person who heretofore entered any of said land shall receive patents therefor by paying al deferred installments of purchase money and proving compliance with the req ments of the homestead laws at any time after the expiration of ten months fro date of his entry.

SEC. 3. That all moneys forfeited under the regulations issued October ninete nineteen hundred and six, by the Secretary of the Interior under the act ent "An act to open for settlement five hundred and five thousand acres of land i Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," appr June fifth, nineteen hundred and six, be repaid to the persons by whom such mo were deposited in every case where it shall be made to appear to the satisfacti the Commissioner of the General Land Office that the bid upon which the a was made was the result of a clerical error, or was due to an honest mistake o part of the bidder as to the numbers of land upon which his bid was made.

SEC. 4. That the Commissioner of the General Land Office shall make all nece rules and issue all necessary instructions to carry the provisions of this act into e and the payment of the deposits herein provided for shall be paid out of any mo deposited in the Treasury of the United States as the proceeds arising from the of lands under said act of June fifth, nineteen hundred and six, and an appro tion sufficient in amount to cover such cases is hereby made.

SEC. 5. That all persons, or their legal assignees, whose applications to pur any of the pasture land mentioned in the act of June twenty-eighth, nineteen dred and six (and whose applications were rejected because such persons were lessees), shall have the right to purchase under the provisions of this act the la originally applied for by them.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 19

MY DEAR MR. SHERMAN: I have considered S. 3409, entitled "An act to exten time of payments on certain homestead entries in Oklahoma," and also H. R. 1 entitled "A bill to provide for the sale of the remnant of certain Indian pastur wood reserve lands in Oklahoma, and to extend the time of payment on ce homestead entries upon said land hereafter sold, and for other purposes," bo which you left with me with a request for comment.

I believe it essential that the interest which H. R. 16059 provides the deferred ments shall draw should be paid as a preliminary to any extension of time fo next payment, so that the Indians would be absolutely sure of the interest in event; and that either no extension at all should be granted to the lessees who already been granted a preference right in the purchase of their land—a special p lege of the highest importance to them—or that they be required to pay at least cent more interest than other purchasers, also to be collected in advance.

As to the disposal of the lands still unsold, I would not assume to dictate in sense as to whether they should be sold or disposed of in some other way; b discussing the affairs of their tribes, the Kiowa-Comanche-Apache delegation rec in this city made an earnest appeal to me that their children born since the last ment should be given allotments on these unsold lands. I explained to them the lands were presumptively left on hand because of their inferior character they said they understood that and that it made no difference, they were neve less anxious, as their last lands were passing away from them, that their chil should be given farms down to the last hour that such allotment was practicabl told them if their people were generally of this mind that they could show it generally signed petition to Congress or by a memorial adopted in popular co and that I would see that such a paper if sent to this Office was properly laid b the Congress. They left Washington with this understanding; and as I wish to absolute good faith with the Indians in all respects, I can not make any recom dations which would contravene or otherwise interfere with the plan suggested feel constrained to ask that action looking to the disposal of the unsold rema the lands be suspended until the tribes in interest have had a chance to present plea.

Very respectfully,

F. E. LEUPP,
Commission

HON. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

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ADDITIONAL URGENT DEFICIENCIES, 1908.

MARCH 27, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAWNEY, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 19955.]

The Committee on Appropriations report herewith and recommend passage of a bill providing for certain additional urgent deficiencies in appropriations for the fiscal year 1908, namely:

For paper for checks and drafts, Treasury Department	$1,500.00
For armament and armor of naval vessels	2,000,000.00
For furniture, House of Representatives	4,000.00
For contingent expenses, House of Representatives	20,000.00
Total	2,025,500.00

The principal of the foregoing items, $2,000,000 for armament and armor of naval vessels, was submitted to Congress and referred to the committee in House Document No. 808.

O

DAM ACROSS SAVANNAH RIVER AT CALHOUN F

MARCH 27, 1908.—Referred to the House Calendar and ordered to be pr

Mr. ADAMSON, from the Committee on Interstate and Foreig merce, submitted the following

REPORT.

[To accompany H. R. 19470.]

The Committee on Interstate and Foreign Commerce, to wh referred the bill (H. R. 19470) permitting the building of a dan the Savannah River at Calhoun Falls, having considered th report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will ap the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEE
Washington, March 2

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 19470, 60th Cong., 1st sess.), authorizing t ing of a dam across the Savannah River at Calhoun Falls, is intended to r act of Congress approved March 2, 1907. The bill is identical with the except that the name of the grantee has been changed. The bill is in the u and makes ample provision for the protection of navigation interests, and I no objection to its passage by Congress, so far as those interests are concern

A. MACKENZ
Brig. Gen., Chief of Engineers, U. S.

[Third indorsement.]

WAR DEPARTMENT, *March 2*

Respectfully returned to the chairman Committee on Interstate and Fore merce, House of Representatives, inviting attention to the foregoing repo Chief of Engineers, U. S. Army.

By order of the Secretary of War:

JOHN C. SCOFIELD, *Chie*

O

DAM ACROSS SAVANNAH RIVER AT TROTTERS SHOALS.

MARCH 27, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 19471.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 19471) authorizing the building of a dam across the Savannah River at Trotters Shoals, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 24, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 19471, 60th Cong., 1st sess.), authorizing the building of a dam across the Savannah River at Trotters Shoals, is intended to replace an act of Congress approved March 2, 1907. The bill is identical with the said act except that the name of the grantee has been changed. The bill is in the usual form and makes ample provision for the protection of navigation interests. I know of no objection to its passage by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *March 25, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

By order of the Secretary of War:

JOHN C. SCOFIELD, *Chief Clerk.*

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DAM ACROSS TUGALOO RIVER AT HATTONS FORD

March 27, 1908.—Referred to the House Calendar and ordered to be printe

Mr. Adamson, from the Committee on Interstate and Foreign C merce, submitted the following

REPORT.

[To accompany H. R. 19472.]

The Committee on Interstate and Foreign Commerce, to whom referred the bill (H. R. 19472) permitting the building of a dam ac the Tugaloo River at Hattons Ford, having considered the same, re thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appea the indorsements attached and made a part of this report.

[Second indorsement.]

War Department,
Office of the Chief of Engineers,
Washington, March 24, 19

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 19472, 60th Cong., 1st sess.), authorizing the struction of a dam across the Tugaloo River at Hattons Ford, is intended to re an act of Congress approved March 2, 1907.

This bill is similar to the said act of Congress, the only essential difference be change in the name of the grantee. The name of the river across which the da to be built is also different from that named in the act, but it is understood Tugaloo River is simply an extension of Savannah River, and is the correct des tion at the location specified.

The bill is in the usual form, and makes ample provision for the protection of gation interests. I know of no objection to its passage by Congress, so far as t interests are concerned.

A. Mackenzie,
Brig. Gen., Chief of Engineers, U. S. Arm

[Third indorsement.]

War Department, *March 25, 19*

Respectfully returned to the chairman Committee on Interstate and Foreign C merce, House of Representatives, inviting attention to the foregoing report o Chief of Engineers, U. S. Army.

By order of the Secretary of War:

John C. Scofield, *Chief Cle*

O

BRIDGE ACROSS MISSOURI RIVER AT OR NEAR YANKTON, S. DAK.

MARCH 27, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 5133.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, South Dakota," having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the indorsement attached and made a part of this report.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 17, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill, S. 5133, Sixtieth Congress, first session, is to extend the time for commencing and completing the construction of a bridge originally authorized by an act of Congress approved April 5, 1904, to be built across the Missouri River at or near the city of Yankton, S. Dak.

The time for completing this bridge has heretofore been extended by Congress, and I see no objection, so far as the interests of navigation are concerned, to the further extension proposed by this bill.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1338.

ACCEPTANCE AND CARE OF GIFTS PRESENTED TO VESSELS OF NAVY.

MARCH 28, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 5617].

The Committee on Naval Affairs, to whom was referred the bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States, having had the same under consideration, recommend that it do pass.

The recommendations and views of the Navy Department on the proposed legislation are contained in the following letter:

NAVY DEPARTMENT,
Washington, January 15, 1908.

SIR: I have the honor to inclose herewith an extract from my annual report for 1907, giving a list of silver services and other articles which have at various times been presented to vessels of the Navy, principally by cities and States after which the vessels were named. As will be seen from this list, such articles are in many cases of considerable value, the total cost reaching nearly $250,000.

These gifts have been accepted in pursuance of a long-standing custom, but it does not appear that the practice has ever received express legislative sanction. The Department therefore recommends that some provision be made by Congress authorizing the acceptance of similar gifts in the future and providing for their care and preservation. Such action is considered particularly desirable in view of questions that might arise as to the status of these articles in case of their loss, by theft or otherwise. The articles for the government of the Navy provide for the punishment of any person in the naval service "who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other *property of the United States.*" The phrase "property of the United States" has been heretofore given a strict construction in the case of property that had not a well-defined status.

It is suggested that the desired object might be attained by the insertion of a suitable provision in the naval appropriation bill under the heading "Equipment of vessels." The draft of a clause which it is thought would be sufficient for this purpose is inclosed.

Very respectfully,

V. H. METCALF,
Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

Presentation of articles from States, municipalities, etc., to vessels of the United St

Vessel.	Nature of gift.	Cost.	Presented b
Albany	Silver service	$5,363.00	City of Albany.
Annapolis	Punch bowl, etc	330.00	City of Annapolis.
Atlanta	Punch bowl	578.88	City of Atlanta.
Alabama	Silver service	3,365.00	State of Alabama.
Arkansas	Loving cup	80.00	City of Natchez.
Buffalo	Battalion colors	716.00	No record.
Brooklyn	Silver service, etc	9,156.00	City of Brooklyn.
Baltimore	Silver service	2,725.55	City of Baltimore.
Bailey	Loving cup	500.00	Descendants Admi
Chicago	Silver service	2,500.00	City of Chicago.
Concord	Bronze statue	1,000.00	City of Concord.
Cincinnati	Silver service, etc	5,100.00	City of Cincinnati.
Columbia	Pitcher, etc	95.00	No record.
Castine	Punch bowl	300.00	Do.
Charleston	Silver service	3,000.75	Do.
Chattanooga	Library books	40.00	Do.
Connecticut	Silver service	5,844.00	State of Connectic
Detroit	Punch bowl	2,500.00	No record.
Denver	Silver service	2,500.00	City of Denver.
Des Moines	Loving cup	35.00	City of Natchez.
Galveston	Silver service	2,000.00	City of Galveston.
Georgia	Silver service, etc	10,500.00	State of Georgia.
Helena	Punch bowl	2,500.00	City of Helena.
Indiana	Silver service	9,503.95	Citizens of Indian
Iowa	Silver service, etc	5,000.00	State of Iowa.
Illinois	Silver service	5,000.00	State of Illinois.
Kentucky	do	6,000.00	State of Kentucky.
Kearsarge	Bronze tablet		State of New Ham
Kansas	Library books		Kansas Society.
Lancaster	Piano, etc	215.00	No record.
Marblehead	Battalion colors	68.00	Do.
Maryland	Silver service	5,000.00	Citizens of Maryla
Montgomery	Punch bowl, etc	1,000.00	City of Montgome
Marietta	Silver service	1,125.25	City of Marietta.
Machias	Punch bowl	300.00	City of Machias.
Monterey	Battalion colors	100.00	City of Monterey.
Massachusetts	Punch bowl, etc	214.00	State of Massachus
Maine (Old)	Silver service	1,425.00	No record.
Maine (New)	do	2,700.00	State of Maine.
Minneapolis	do	3,900.00	City of Minneapoli
Missouri	Silver service, etc	10,000.00	State of Missouri.
Mayflower	Punch bowl	2,000.00	Russian Peace Con
New York	Silver service, etc	14,855.00	City of New York.
New Orleans	Punch bowl, etc	4,460.00	City of New Orlean
Nashville	do	3,165.00	City of Nashville.
Newark	Bell, etc	167.00	City of Newark.
Newport	Silver service	1,800.00	No record.
Olympia	do	8,750.00	State of Washingto of Olympia.
Oregon	do	4,864.00	State of Oregon.
Ohio	do	7,000.00	State of Ohio.
Princeton	Punch bowl, etc	1,219.00	Alumni Princeton
Philadelphia	Clock, etc	4,256.00	No record.
Pennsylvania	Silver service, etc	26,500.00	State of Pennsylva
Raleigh	Silver service	504.00	City of Wilmington
Rhode Island	Silver service, etc	10,702.00	State of Rhode Isla
San Francisco	Silver service	4,786.00	City of San Francis
South Dakota	do	5,000.00	State of South Dak
Sylph	Loving cup	45.00	No record.
Topeka	Organ	50.00	Women Army a League.
Texas	Silver service	3,847.00	State of Texas.
Tacoma	do	3,465.00	City of Tacoma.
Tennessee	do	5,000.00	State of Tennessee.
Vermont	do	3,721.00	State of Vermont.
Virginia	do	5,000.00	State of Virginia.
Wheeling	Punch bowl, etc	900.00	State of West Virgi
Wilmington	do	1,750.00	City of Wilmington
Wisconsin	Silver service	7,100.00	State of Wisconsin.
Washington	do	5,000.00	No record.
Total		248,136.38	

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1339.

AMENDING SECTION 2 OF ACT TO AMEND HOMESTEAD LAWS AS TO CERTAIN LANDS IN NEBRASKA.

MARCH 28, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAMMOND, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14926.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 14926) to amend sections two and three of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April twenty-eighth, nineteen hundred and four, and for other purposes, submit the following report:

The committee recommend—

1. That the title of the bill be amended by striking out the words "sections two and three" in its first line and inserting in place thereof the words "section two."

2. That the bill be further amended by inserting the word "section" for the word "sections" to be stricken out, and by striking out the words "and three" in line 3 of the first page and by inserting the word "is" in the seventh line of said page in place of the word "are" to be stricken out.

3. That it be further amended by striking out all after the word "entered" in line 7 of the second page and down to and including the word "contiguous" in line 11 of said page.

4. That it be further amended by striking out all after line 14 on page 2 and the first eight lines on page 3.

5. That the bill so amended be passed.

The entryman is now required to make improvements on the land entered. This bill will permit him to make his improvements on the land contiguous which he has heretofore entered. As most of the land will be used for grazing purposes the needed improvements will of course be made in the near vicinity of the dwelling of the entryman and it would be worse than idle to require him to make improvements on a portion of his land where they would be of little or no use.

except to extend to entrymen at the time of the passage of the right of additional entry and as above noted.

By section 4 entrymen in two abandoned military reservati exempted from the payment of the appraised values of the lan

The following extract from a letter of the Commissioner General Land Office, dated March 23, 1908, relates to one of t tary reservations included in section 4:

I have the honor to advise you that the portion of the abandoned Fort son Military Reservation added to the original reservation by Executive April 19, 1878, embracing 7,715.90 acres, was appraised in the year 1896, appraisal thereof approved by the Secretary of the Interior. Of 190 tracts of legal subdivision in the additional portion, 166 were appraised at the r price of $1.25 per acre and 24 were appraised above said price. However, o 3, 1900, the Secretary held that all of the tracts embraced in both the origi vation and the addition thereto were of the double minimum character an to disposal at not less than $2.50 per acre.

Very respectfully, FRED DENNETT, *Commi*

Attached is a letter from the Secretary of the Interior show appraisal of these lands and their general character.

DEPARTMENT OF THE INTERI
Washington, February 2

GENTLEMEN: I have the honor to acknowledge receipt of communication t ting for report a copy of H. R. 14926, entitled "A bill to amend sections three of an act entitled 'An act to amend the homestead laws as to certain priated and unreserved lands in Nebraska,' approved April twenty-eighth, hundred and four, and for other purposes."

Under the existing law entrymen are required, prior to time of final proof upon the lands entered improvements of the value of not less than $1.25 pe each acre included in the entry. Additional entries under section 2 of inal act, as amended by the act approved March 2, 1907 (34 Stat. L., 1224 made only by those who made original entries prior to June 28, 1904. The poses to extend the right of additional entry, under said section 2, to th have made entry for less than 640 acres prior to date of passage of this bil permit them to obtain patent by residence and improvement, either upon inal homestead entry or the additional entry, continued for five years afte the additional entry. It decreases the expenditure in improvements requi $1.25 per acre to 40 cents per acre.

The provisions of the bill are made applicable to existing unperfected ent further proposes to permit additional entries for noncontiguous land with dence thereon. Section 4 of the bill exempts entrymen in the abandoned F idan and Fort McPherson Military reservations from payment of the apprais imposed by act of Congress of July 5, 1884, and relieves those having existin within these areas from such payments.

The provision permitting additional entry for noncontiguous land, without r and improvements thereon, is a radical departure, not only from the act of 1904, but from the existing general homestead laws. Section 5 of the act o 2, 1889 (25 Stat. L., 854), and section 2, of act of April 28, 1904 (33 Stat. L., 5 mitting additional entries to those who have made entries for less than the n area allowed by the law, restricts such additional entries to contiguous lan tion 6 of said act of March 2, 1889, which permits an additional homestead noncontiguous land, sufficient, together with the area originally entered an up upon, to make a total of 160 acres, imposes the conditions of actual resid cultivation for the statutory period upon the land embraced in the addition

The bill does not provide that this noncontiguous land shall be taken in o or that it shall be located in the same neighborhood as the land include original entry. It would permit of the entry of several tracts of noncontigu possibly remote from the original tract entered. This Department is of the that such a radical departure from the previously enacted homestead laws w unwise, and attention is directed to the fact that title to noncontiguous

tracts, not exceeding 480 acres in area, may be obtained by entrymen within the Kinkaid area, under the provisions of section 3 of the act of March 2, 1907 (34 Stat. L., 1224).

It is therefore suggested that that portion of section 2, page 2, line 7, beginning with the word "provided" and ending with the word "contiguous," line 11, same page, should be eliminated. The second proviso to section 3 grants a preferential right of entry to entrymen entitled to an additional entry under section 2. The Department has no objection to the allowance of additional entries in such cases, but is of the opinion that the preferential right of entry for ninety days should not be given for the reason that it will lead to many complications and contests between persons whose original entries may adjoin vacant tracts, and prevent others who may desire to make original homestead entries for such areas from so exercising their homestead rights.

It is believed that those who, by the exercise of diligence, first present themselves at the land office and apply to enter vacant lands should receive the award. It is accordingly suggested that the second proviso to section 3 of the bill be omitted, and, in order to remove doubt as to its meaning and to clearly state the evident purpose thereof, it is suggested that the third proviso be amended to read as follows: "*Provided*, That the provisions of this act as to residence and improvements shall be applicable to unperfected existing entries as well as to those hereafter made."

With regard to the proposed section 4, Fort Sheridan or Camp Sheridan Military Reservation, Nebr., was turned over to this Department for disposal under the act of July 5, 1884 (23 Stat. L., 103), on July 22, 1884. When relinquished it contained 18,246.02 acres in township 33 north, ranges 45 and 46 west. By inadvertence of the local officers several filings and entries, aggregating 7,072.52 acres, were allowed upon said reservation. These were confirmed by the act of October 12, 1888 (25 Stat. L., 1201). The following statement shows the present status of the lands in said reservation, viz:

	Acres.
Entries patented	7,116.44
Covered by homestead entries made prior to June 28, 1904	3,242.97
Included in homestead entries made under Kinkaid law	6,723.50
Included in pending applications	323.11
Vacant and unappropriated	840.00
Total	18,246.02

The lands in this reservation were appraised at from $1 to $2 per acre, and are subject to disposal under the act of August 23, 1894 (28 Stat. L., 491).

In his report of February 15, 1896, the appraiser in charge reported that "there is scarcely any agricultural land in the reservation, the entire body being rolling and in some places quite rough, being adapted chiefly for stock-grazing purposes * * * ."

The Fort McPherson Military Reservation was enlarged by Executive order of April 19, 1878, by adding twelve odd-numbered sections lying to the south of the original reservation. This addition includes 7,715.90 acres, and is largely covered by Kinkaid entries. Proof has been made on but two entries, only one of which has been patented. These lands were appraised for disposal under the act of August 23, 1894, and are held to be double minimum in price, being within the limits of a railroad grant.

In his report dated January 28, 1896, the same appraiser in charge stated that the appraisers carefully examined this reservation and "found very little of it of much value. It is nearly all very hilly and very rough prairie land, through which many deep canyons, with deep lateral pockets, pass."

If the bill is amended in accordance with the foregoing suggestions, I have no objection to urge to its becoming a law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

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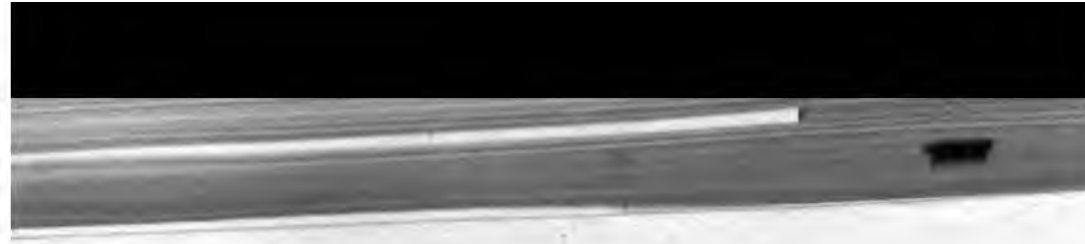

TO MITIGATE LOSS OF RIGHTS OF CITIZENSHIP IMPOSED BY LAW UPON DESERTERS FROM NAVAL SERVICE.

MARCH 23, 1908.—Referred to the House Calendar and ordered to be printed.

Mr. ROBERTS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 5473.]

The Committee on Naval Affairs, to whom was referred the bill (S. 5473) to authorize the Secretary of the Navy, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, having had the same under consideration, report it to the House with the following amendments; and as amended, recommend that it do pass.

Amend the title so as to read:

An act amending section one thousand nine hundred and ninety-eight of the Revised Statutes of the United States, and to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

Strike out all after the enacting clause and insert section 1998 of the Revised Statutes of the United States, adding thereto the following provisos:

Provided, That the provisions of this section and section one thousand nine hundred and ninety-six shall not apply to any person deserting the military or naval service of the United States in time of peace: *And provided further*, That the loss of rights of citizenship imposed by law upon deserters from the naval service may be mitigated or remitted by the Secretary of the Navy where the offense was committed in time of peace and where the exercise of such clemency will not be prejudicial to the public interests.

After careful consideration of the Senate bill, the committee unanimously agreed thereto, but was of the opinion that the hardship of the loss of rights of citizenship imposed by section 1998 should be removed from the existing law where the offense of desertion was committed in time of peace. The Senate bill makes no change in existing law, except that upon application of the offender the Secretary may mitigate or remit the loss of rights of citizenship where the offense of desertion was committed in time of peace, and under the Senate bill,

penalty to be removed for every offense committed in time of
since 1865 (the date of the enactment of section 1998), it is the u
mous opinion of the committee that it does not give full relief
the offense is committed hereafter, and the committee therefore r
mend a change in the existing law by the above amendments p
ing for the elimination of the penalty of the loss of rights of ci
ship in cases of conviction for desertion in time of peace.

The following letter represents the views and recommendati
the Navy Department relating to this legislation:

NAVY DEPARTMENT,
Washington, January 11,

SIR: Under the provisions of sections 1996 and 1998 of the Revised Statutes
sons convicted of desertion from the military or naval service of the United
in addition to the punishment inflicted by sentence of the court before whic
are tried, ipso facto forfeit their rights of citizenship and are rendered "
incapable of holding any office of trust or profit under the United States, or c
cising any rights of citizens thereof."

As stated in my annual report for 1907 (p. 17), it is not believed that these s
discriminate sufficiently between the punishment that should appropriat
awarded to different classes of offenders. The records of the naval service sho
a large proportion of desertions are committed by young men in their first enlis
who are unaccustomed to the incidents of a seagoing life and who do not reali
gravity of the situation in which they place themselves nor weigh the sever
the laws above mentioned. That these youngsters should be subjected t
penalties, imposed by statutes enacted during the civil war, and "manifestly in
as a means of enforcing the draft and of preventing desertion at a period of
gency and public danger," is a hardship that could not have been contempl
Congress at the time of passing the acts in question.

While the authority empowered to convene general courts-martial may re
mitigate any other element of the punishment imposed, under the inflexib
visions of these statutes such clemency can not be extended, and there is n
from these penalties except in such unusual cases as may justify action by the
dent in the form of pardon or the passage of a special act of relief by the Co

After careful consideration of the matter, I am of opinion that the interests
naval service and of the country at large would be promoted by the passage o
vision vesting in the Secretary of the Navy power to mitigate or remit the
citizenship imposed by sections 1996 and 1998 of the Revised Statutes w
appears that the commission of the offense was accompanied by extenuating c
stances and that the person convicted is not deserving of such extreme punis

For the convenience of the committee, in case the above recommendation
be favorably regarded, there is inclosed the draft of a bill "to authorize the
tary of the Navy, in certain cases, to mitigate or remit the loss of rights of
ship imposed by law upon deserters from the naval service," which it is t
would accomplish the purpose desired.

Very respectfully,

V. H. METCALF,
Secre

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

A BILL To authorize the Secretary of the Navy, in certain cases, to mitigate or remit th
rights of citizenship imposed by law upon deserters from the naval service.

*Be it enacted by the Senate and House of Representatives of the United States of A
in Congress assembled,* That the loss of rights of citizenship imposed by lav
deserters from the naval service may be mitigated or remitted by the Secre
the Navy where the offense was committed in time of peace, and where th
cise of such clemency will not be prejudicial to the public interests.

The Secretary of the Navy, on pages 17 and 18 of his annual r
for this year, states as follows:

That there should exist upon our statute books provisions of law the effect of which is to create a considerable class, consisting chiefly of native-born Americans, who are not citizens and who can not become citizens; who can not lawfully hold office or fill any position of trust or emolument under this Government; and that this condition should have been suffered to continue for a period of nearly half a century is astonishing. Nevertheless it is the fact. Under provisions of law to be found in sections 1996 and 1998 of the Revised Statutes of the United States, persons who have deserted or shall hereafter desert the military or naval service "are deemed to have voluntarily relinquished and forfeited their rights of citizenship as well as their rights to become citizens," and it is further provided that "such deserters shall be forever incapable of holding any office of trust or profit under the United States or exercising any rights of citizenship thereof." The statute upon which these two sections were based was an act passed March 3, 1865 (13 Stat., 490). It does not appear from their terms that they were intended as permanent legislation, but they have been continued in effect to the present day by their incorporation into the Revised Statutes.

The severe punishment of loss of the rights of citizenship during life is, by these statutes, imposed upon all persons convicted by general court-martial of desertion from the Army or Navy, whether in time of war or in time of peace. While the authority empowered to convene such courts may remit or mitigate any other element of the punishment imposed, under inflexible provisions of these statutes such clemency can not be extended and there is no relief from these penalties, except in such unusual cases as may justify action by the President in the form of pardon or the passage of a special act of relief by the Congress.

The records of the naval service show that in many cases enlisted men, misled by undesirable companions or under the influence of some momentary temptation, absent themselves from the service without leave and are afterwards deterred, by shame or fear, from returning to duty. This works a peculiar hardship in the case of young men in their first enlistment, whose habits are not formed, who are unaccustomed to the incidents of a seagoing life, and are particularly subject to homesickness. By thus leaving the service they commit the offense of desertion, perhaps without fully realizing the gravity of the situation in which they place themselves, and not weighing the penalties of the statutes above mentioned.

These statutes, it is believed, do not discriminate sufficiently between the punishment that should appropriately be awarded to different classes of offenders. Desertion in time of war is one thing; desertion committed by a youngster, not 21, in time of peace, should be severely dealt with as an offense of gravity, but it should not in my judgment so brand the person convicted thereof as absolutely to debar him for life from all privileges of American citizenship. In a majority of instances, I am satisfied—particularly with respect to persons American born and minors—that those convicted are not deserving of such extreme punishment.

Happily, desertion in time of war is not a problem in the American Navy. The general court-martial records during the Spanish war show this offense to have been negligible. Our young men do not desert in the face of the enemy.

In this connection, attention is invited to the following remarks by Col. William Winthrop, a writer of recognized authority in military jurisprudence and who has given thoughtful consideration to this subject:

"It may be added in regard to this statute that, though general in its terms, it was manifestly intended as a means of enforcing the draft and of preventing desertion at a period of emergency and public danger. It was thus in fact a war measure, and the general clause was apparently added only to cover such period as might remain of the then existing war. Not being limited, however, to such period, it has been treated as of continuous operation. *In a normal condition of peace, a statute of this exceptional character*, by which desertion is visited with a "political" punishment, *is incongruous and unnecessary*, and its retention in our military law is no longer desirable." (Winthrop's Mil. Law and Precedents, vol. 2, p. 1001.)

As amended, S. 5473 will read as follows:

AN ACT Amending section 1998 of the Revised Statutes of the United States, and to authorize the Secretary of the Navy in certain cases to mitigate or remit loss of rights of citizenship imposed by law upon deserters from the naval service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States with intent to avoid any draft into the military or naval service, lawfully ordered, shall

be liable to all the penalties and forfeitures of section nineteen hundred an
six of the Revised Statutes of the United States: *Provided*, That the provisio
section and section nineteen hundred and ninety-six shall not apply to an
deserting the military or naval service of the United States in time of pe
provided further, That the loss of rights of citizenship imposed by law upon
from the naval service may be mitigated or remitted by the Secretary of t
where the offense was committed in time of peace and where the exercis
clemency will not be prejudicial to the public interests.

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DISTRICT OF COLUMBIA APPROPRIATION BILL.

MARCH 30, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARDNER, of Michigan, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 20063]

The Committee on Appropriations, in presenting the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1909, submit the following in explanation thereof:

The estimates of the Commissioners of the District of Columbia, upon which the bill is based, will be found on pages 457 to 532 of the Book of Estimates, and, exclusive of the water department, aggregate $13,667,266.35, one-half of which amount, or of such sum as Congress may appropriate, is required to be drawn from the revenues of the General Government and the remaining one-half to be levied upon the taxable property and privileges in the District of Columbia other than the property of the United States and the District of Columbia, pursuant to section 3 of the act approved June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia." (Stat. L., vol. 20, p. 102.)

The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1909 in the bill submitted herewith is, exclusive of the water department, $9,436,289.35, of which sum the General Government is required to pay $4,718,144.67, that being one-half of the whole. The first-named sum is $4,230,977.00 less than the estimates submitted by the Commissioners.

The amount appropriated for the general expenses of the District of Columbia for the current fiscal year (1908) is $10,309,332.63, or $873,043.28 more than is recommended in the accompanying bill for 1909.

The amount recommended for the water department, all of which is payable from the water revenues, is $125,160, being a reduction of $8,106 under the appropriations for the water department for the current fiscal year.

It is estimated that the water revenues available for the fiscal year 1909 will amount to $520,000, but it is provided in the accompanying

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bill, as it was in the acts for the current and sixteen precedin years, that any surplus of these revenues over the appropriatio specifically therefrom shall be applied to the work of extendi high-service system of water distribution. Under these in appropriations of the surplus water revenues there has been ex to July 1, 1907, for extending the high-service system of wat tribution about $3,363,956. The estimated ultimate cost is $5,600,000, which sum includes $1,200,000 estimated to be r to complete installation of meters in private premises.

The total general revenues of the District of Columbia for th year 1909 it is estimated will amount to $5,911,030.

The appropriations recommended in the accompanying bill a able from the revenues of the District amount to $4,718,144.67

In addition to the foregoing sum, appropriations have alread passed by the House in the legislative, executive, and judicial other sums will probably be included in the sundry civil chargeable next year to the revenues of the District, aggregatin $100,000.

Under authority of the acts of February 11, 1901, June March 3, 1903, April 27, 1904, March 3, 1905, and June 27 advances made by the United States Treasury prior to June 3 in excess of the revenues of the District of Columbia amou $3,277,866.28. This sum will probably be increased, as you mittee is advised, to $4,107,439.98 before the close of the curre year, under the authority for further advances contained in th March 2, 1907, the interest charge upon which sum for 19 amount to $82,148.79.

Adding to the sum total, $4,718,144.67, recommended in the panying bill, payable from District revenues, the sums carried legislative and sundry civil acts and the amount required for on advances out of the United States Treasury, it will be seen probable total amount to become a charge against the reve the District of Columbia during the fiscal year 1909 will not $4,900,293.46, or $1,010,736.54 less than the estimated sum o revenues, which surplus will be available, as required by law, t burse the United States Treasury a considerable portion of th sum that will have probably been advanced by July 1, 1908, on of the District of Columbia, under the acts referred to, and wh equired "shall be reimbursed to said Treasury out of the reve he District of Columbia from time to time within five years, ing July 1, 1908."

LIMITATIONS.

Limitations with reference to appropriations made in the heretofore imposed, or changes in existing limitations, are mended as follows:

On page 2 it is provided that the two assistants to the E Commissioner shall act jointly as superintendent of the m building.

On page 8:

Hereafter all legal services required by boards organized by la the government of the District of Columbia shall be furnished corporation counsel of the District of Columbia, or one of his ants.

On page 22:

The foregoing appropriation shall be available to develop, as a property yard for the use of the District of Columbia, and for other municipal purposes, so much of reservation numbered one hundred and seventeen lying south of the toe of slope of standard roadbed between the portal of the Virginia avenue tunnel and the east end of the south abutment of the New Jersey Avenue Bridge, and south of the south abutment of the New Jersey Avenue Bridge and east of the toe of slope on the west side of the embankment carrying the approach to the New Jersey Avenue Bridge, when the Philadelphia, Baltimore and Washington Railroad shall release and convey to the Commissioners of the District of Columbia all right and title to the above-described portion of said reservation which the said company may have been granted by the acts of Congress providing for the elimination of grade crossings and the construction of a union station in the District of Columbia, approved February twelfth, nineteen hundred and one, and February twenty-eighth, nineteen hundred and three, or by any other act.

On page 30:

The Commissioners of the District of Columbia are hereby authorized to construct service sewers in Conduit road and levy assessments for the same under the conditions prescribed in the act of April twenty-second, nineteen hundred and four, entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia."

On page 31:

The Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, a right of way for a trunk sewer in the valley lying north of the proposed line of T street and south of the Naval Observatory grounds, from Wisconsin avenue to Rock Creek, the cost of said right of way and of the sewer to be laid therein to be charged to the appropriation for suburban sewers for the fiscal year nineteen hundred and eight.

On page 33, in connection with the appropriation for a public convenience station to be located on public reservation numbered eight.

And the jurisdiction and control of such portion of said public reservation numbered eight as may be required for the location and operation of said station and approaches thereto is hereby transferred from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia, such transfer to take effect from the date of notice by said Commissioners to the Chief of Engineers of the United States Army of the portion of said reservation selected, and said Commissioners are further authorized to make all necessary rules and regulations for the management of said station and fix the charges to be made for the use thereof.

On page 37:

The Commissioners of the District of Columbia are hereby authorized, in their discretion, to extend the street-lighting system, by incandescent forty-candlepower lamps, on and along the Conduit road, from its intersection with the Canal road to the District line and to use so much of this appropriation as may be necessary for maintaining the lamps. The location of the necessary posts, poles, wires, fixtures, and so forth, and the use of the road therefor shall be subject to such reasonable regulations as may be prescribed by the officer in charge of the Washington Aqueduct.

District of Columbia, by gas or electricity, for a period excee
year.

On pages 44 and 45:

The salaries of all teachers and clerks and librarians in the h
manual training schools, duly elected, whose services commence
opening day of school and who shall perform their duties, sha
on the first day of September and shall be paid in ten monthly
ments, the first payment to be made on the first day of Octob
near that date as practicable, and the payment for the month
to be made upon the completion of the school term in June: P
That the salaries of other teachers shall begin when they ent
their duties.

Hereafter the following rules for division of time and com
of pay for services rendered are hereby established. Compensa
teachers and librarians and clerks in the high and manual
schools shall be divided into ten equal installments, one of wh
be paid for each school month, and in making payments for a fr
part of a month one-thirtieth of one of such installments sha
daily rate of pay. For the purpose of computing such comp
and for computing time for services rendered during a fraction
of a month in connection with the compensation of teachers an
rians and clerks in the high and manual training schools, each a
month shall be held to consist of thirty days, without regard to th
number of days in any calendar month, thus excluding the thi
day of any calendar month from the computation and treating
as if it actually had thirty days. Any person entering the s
the schools during a thirty-one day month and serving until
thereof shall be entitled to pay for that month from the date of
the thirtieth day of said month, both days inclusive; and an
entering said service during the month of February and serv
the end thereof shall be entitled to one month's pay, less as ma
tieths thereof as there were days elapsed prior to the date of entr
vided, That for one day's unauthorized absence on the thirty-fir
any calendar month one day's pay shall be forfeited.

On page 55:

All school buildings authorized hereunder, and all school b
constructed or being constructed in the District of Columbia, sh
all exits with doors opening outward; and the necessary alter
exits in buildings not now so constructed shall be made withi
days after the passage of this act. All exits in said buildings
unlocked and otherwise unfastened each school day from one-ha
before until one-half hour after school hours. Janitors viola
foregoing provision shall be summarily removed from employm

On page 56, in connection with a specific annual appropri
$6,000 for the instruction of the indigent blind children of the
of Columbia, it is proposed to repeal the indefinite permanen
appropriation for such instruction, to take effect on and after
1908.

On page 59:

The War Department may furnish the District Commissio
the use of the police, upon requisition, such unserviceable mounte
ment as may be required.

On page 62:

Hereafter the Commissioners of the District of Columbia are hereby authorized to install under such rules and regulations as they may prescribe, in any suburb of the said District, such extra apparatus and appliances belonging to the fire department of the District of Columbia as may, in their opinion, be available for the use of any volunteer fire organization which may be created in such suburb; and that such apparatus and appliances shall be maintained in proper condition for service by the purchase of the necessary supplies out of the appropriations provided for the fire department of the District of Columbia.

On page 64:

The duties and the authority now conferred by law upon the inspector of fish and other marine products are hereby vested in each of the sanitary and food inspectors.

On pages 80 and 81:

The disbursing officer of the District of Columbia is authorized to advance to the agent of the board of children's guardians, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said agent by the Commissioners of the District of Columbia, sums of money not to exceed two hundred dollars at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

On page 97:

Sec. 6. From and after the approval of this act all per diem employees and other day laborers of the District of Columbia who have been continuously employed for five working days next preceding the first Monday of September in each year (commonly called Labor Day), and whose employment continues through and beyond said day, may, in the discretion of the Commissioners of the District of Columbia, be granted leave of absence with pay for said day.

COMPARATIVE STATEMENT.

The comparative statement which follows shows in detail the amounts appropriated for the current fiscal year, the amounts estimated for 1909, and the amounts recommended in the accompanying bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1909.

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in accompanying bill for 1909.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 190	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Num of sa ries
Salaries:						
Executive office	$104,519.00	94	$111,828.00	102	$100,764.00	
Care of District building			60,835.00	100	31,240.00	
Fuel and miscellaneous items			30,000.00		24,000.00	
Assessor's office	43,500.00	30	43,500.00	30	43,500.00	
Temporary clerk hire			2,500.00		2,000.00	
Excise board	4,800.00	4	4,800.00	4	4,800.00	
Personal tax board	15,800.00	8	15,800.00	8	15,800.00	
Collector's office	21,300.00	15	25,400.00	17	21,300.00	
Preparation of tax-sale certificates	800.00		1,000.00		800.00	
Auditor's office	31,850.00	23	35,350.00	26	31,850.00	
Corporation counsel's office	13,320.00	7	18,740.00	10	13,320.00	
Sinking-fund office	2,500.00	2	2,700.00	2	2,500.00	
Coroner's office	3,000.00	3	3,365.00	4	3,000.00	
Market masters	4,320.00	2	4,320.00	2	4,320.00	
Wholesale producer's market	3,360.00	4	3,360.00	4	3,360.00	
Improving wholesale market square					500.00	
Eastern Market	240.00	1	240.00	1	240.00	
Western Market	240.00	1	240.00	1	240.00	
Sealer of weights and measures	6,080.00	5	6,560.00	6	6,080.00	
Engineer's office	182,882.00	169	195,132.00	175	188,882.00	
Special assessment office	12,650.00	11	12,650.00	11	12,650.00	

Surveyor's office	22,029.00	21	21,943.00	21	21,934.00	21
Temporary services	4,500.00		6,000.00		5,000.00	
Free public library	34,940.00	63	49,460.00	75	36,090.00	64
Sunday opening	1,700.00		2,500.00		1,700.00	
Miscellaneous	18,000.00		27,000.00		18,500.00	
Total, salaries	587,650.00	518	742,423.00	660	649,690.00	593
Contingent and miscellaneous:						
Executive office	39,000.00		40,000.00		35,000.00	
Engineer's office, stables, etc	5,000.00		5,000.00		5,000.00	
Postage	7,000.00		7,500.00		7,000.00	
Rent of District offices	9,000.00		1,667.00		833.50	
Rent of old record vault	600.00		100.00		50.00	
Extra services to classify, arrange, and rebind old records			1,500.00			
Rent, office of department of insurance	840.00		140.00		70.00	
Rent of property yards	300.00		50.00		50.00	
Rent of storeroom	300.00		50.00		25.00	
Collecting overdue personal taxes	3,500.00		3,500.00		3,500.00	
Rent, office of corporation counsel	1,000.00		167.00		83.50	
Judicial expenses	4,000.00		7,000.00		4,000.00	
Coroner's office, livery, expenses, etc	2,750.00		3,500.00		2,750.00	
Advertising, general	4,000.00		4,500.00		4,500.00	
Advertising, notice of taxes in arrears	2,000.00		2,000.00		2,000.00	
Enforcement of game and fish laws	500.00		500.00		500.00	
Municipal building, continuing work on	550,000.00					
Removal of unsafe buildings	2,000.00		2,000.00		2,000.00	
Tablets to mark historical places in District of Columbia	500.00		500.00			
Repair of buildings owned and used by District of Columbia when injured by fire			25,000.00			
File cases, register of wills office			1,500.00			
Testing materials for fireproof buildings			1,000.00			
Cement storehouse, property yard	10,000.00					
Repair shop, alteration of	2,500.00					
Addition to Eastern Market	30,000.00					
Purchase of identification tags for motor vehicles	300.00		300.00		300.00	
Constructing wharf for storage of sand and gravel			4,000.00		4,000.00	
Completing card index, register of wills office	3,000.00					
Total, contingent and miscellaneous	678,090.00		111,474.00		71,662.00	

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Improvements and repairs:						
Elimination of grade crossings	$25,000.00	2	$100,000.00	2	$100,000.00	2
Fountains, lamp-posts, etc., new Union railroad station	50,000.00		50,000.00		50,000.00	
Assessment and permit work	147,000.00		160,000.00		160,000.00	
Paving roadways under the permit system	10,000.00		10,000.00		10,000.00	
Work on streets and avenues	66,950.00		100,000.00		84,600.00	
Paving approaches to Connecticut Avenue Bridge	31,000.00					
Paving approaches to sewerage pumping station	6,000.00					
Work on certain specified streets	14,250.00		61,700.00		33,700.00	
Grading streets, alleys, and roads	15,000.00		15,000.00		15,000.00	
Condemnation of streets, roads, and alleys	1,000.00		1,000.00		1,000.00	
Opening alleys and minor streets (payable wholly from the revenues of the District)	50,000.00	1				
County roads, construction	147,400.00		150,000.00		83,900.00	
Repairs of streets, avenues, and alleys	300,000.00		400,000.00		300,000.00	
Replacing and repairing sidewalks and curbs around public reservations	6,000.00		10,000.00		6,000.00	
Replacing sidewalks around Treasury building			5,600.00			
Repairs, county roads	110,000.00		125,000.00		100,000.00	
Bridges—						
Construction and repair	20,000.00		20,000.00		20,000.00	
Aqueduct Bridge, new pier	80,000.00					
Highway Bridge, Potomac River	16,000.00	5	16,000.00	7	16,000.00	7
Anacostia Bridge, operation of	2,800.00		5,600.00		5,600.00	
Special counsel to determine ownership of land on Anacostia River			10,000.00			

Surveys, etc., of conduit for waters of Rock Creek	4,000.00					
Total, improvements and repairs	1,146,400.00	8	1,239,900.00	9	985,800.00	9
Sewers:						
Cleaning and repairing sewers and basins	44,500.00		63,500.00		50,000.00	
Mechanics, and purchase of supplies	38,625.00		43,158.00		43,000.00	
Main and pipe sewers and receiving basins	44,000.00		52,000.00		50,000.00	
Suburban sewers	100,000.00		100,000.00		75,000.00	
Rights of way	1,000.00		1,000.00		6,000.00	
Sewage disposal dikes			40,000.00			
East side intercepting sewer from boundary sewer to Brookland	50,000.00		50,000.00		40,000.00	
Rock Creek sewer, between P street and Military road			75,000.00			
Stickfoot Branch sewer			22,000.00			
Trunk sewer for North Carolina Heights			29,475.00			
Congress Heights outlet trunk sewer			7,000.00		7,000.00	
Fourth street se. relief sewer			31,875.00			
Brookland intercepting sewer						
Broad Branch sewer, between Rock Creek and Soapstone Branch	28,800.00					
Total, sewers	306,925.00		515,008.00		271,000.00	
Streets:						
Sprinkling, sweeping, and cleaning	240,000.00		322,000.00		240,000.00	
Removal of snow and ice from cross walks	4,000.00		10,000.00		4,000.00	
Collection and disposal of garbage, ashes, and refuse from private houses	168,340.00		168,340.00		179,945.00	
Parking commission	30,000.00		45,000.00		30,000.00	
Bathing beach	10,000.00	2	14,350.00	2	3,550.00	2
Public scales	200.00		200.00		200.00	
Drilling wells and maintenance of same			5,000.00			
Playgrounds, purchase of sites	75,000.00		186,000.00			
Rosedale site, grading and improving			5,000.00			
Playgrounds, equipment and maintenance of	5,000.00		20,000.00		1,500.00	
Public-convenience stations, maintenance	5,000.00		7,200.00		6,200.00	
Public-convenience stations, construction of			20,000.00		20,000.00	
Construction of bath houses and purchase of sites			94,500.00			

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Streets—Continued.						
Harbor and river front, reconstructing wharf and sea wall			$500.00			
Condemnation of insanitary buildings	$6,000.00		6,000.00		$6,000.00	
Total, streets	543,540.00	2	904,090.00	2	491,395.00	2
Electrical department:						
For salaries	42,935.00	47	45,695.00	48	42,935.00	47
General supplies and repairs	15,000.00		15,000.00		12,000.00	
Placing wires under ground	21,000.00		13,000.00		13,000.00	
Extension of police-patrol system	4,300.00		4,300.00		4,300.00	
Moving fire-alarm apparatus	17,260.00					
Lighting, gas or oil	250,000.00		259,000.00		252,712.00	
Lighting, electric arc	100,500.00		124,350.00		115,000.00	
Additional fire-alarm boxes, etc			5,000.00		5,000.00	
Repairs to fire-alarm boxes			1,700.00		1,700.00	
Total, electrical department	450,995.00	47	468,045.00	48	446,647.00	47
Washington Aqueduct:						
Operation and maintenance	33,000.00		33,000.00		33,000.00	
Preliminary investigations and surveys			10,000.00		10,000.00	
Dwelling for watchman at Great Falls			3,000.00			

Filtration plant	90,000.00		90,610.00		82,000.00	
Emergency fund			5,000.00		5,000.00	
Total, Washington Aqueduct	192,000.00		150,610.00		130,000.00	
Rock Creek Park	15,000.00		20,000.00		15,000.00	
Public schools:						
For officers	55,800.00	28	65,760.00	39	53,900.00	
For teachers	1,334,755.00	1,603	1,248,350.00	1,647	1,245,925.00	1,
For librarians and clerks			8,800.00	16	10,900.00	
Longevity pay			165,000.00		165,000.00	
Allowance to principals			31,680.00		31,680.00	
Night schools	17,000.00		27,500.00		15,000.00	
Contingent expenses	800.00		1,000.00		800.00	
Kindergarten supplies	2,500.00		3,000.00		2,500.00	
For janitors and care of buildings	99,120.00	144	128,860.00	195	100,600.00	
For medical inspectors	6,000.00	12	6,000.00	12	6,000.00	
Rent of buildings	15,684.00		25,000.00		20,000.00	
Rent, etc., and cost of increased enrollment on account of compulsory education law	25,000.00		25,000.00		25,000.00	
Repairs and improvements to buildings and grounds	70,000.00		100,000.00		70,000.00	
Plumbing	50,000.00		60,000.00		50,000.00	
Manual training, tools and material	20,000.00		25,000.00		20,000.00	
Fuel	85,000.00		100,000.00		85,000.00	
Furniture for new buildings	6,950.00		18,390.00		14,812.00	
Contingent expenses	40,000.00		47,500.00		40,000.00	
Lectures, evening			1,500.00			
Pianos	1,000.00		2,400.00		1,000.00	
Text-books and supplies	54,200.00	2	75,000.00	2	65,000.00	
Flags	1,000.00		1,000.00		800.00	
Equipment of playgrounds	1,500.00		4,500.00			
School gardens, maintenance	1,000.00		2,000.00		1,000.00	
Extending telephone system	800.00		600.00		600.00	
Maintenance of summer sessions			2,000.00			
Purchase of horse and wagon, maintenance, etc.			1,200.00	1		
Expenses of commission on schoolhouses	1,500.00					
Apparatus for physics department			6,000.00			
Fixtures, apparatus, etc., for laboratories			6,000.00			

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Public schools—Continued.						
New buildings	$535,000.00	.....	$1,936,000.00	.....	$354,500.00	.....
Columbia Institution for Deaf and Dumb	10,500.00	.....	10,500.00	.....	10,500.00	.....
Colored deaf-mutes	6,050.00	.....	6,050.00	.....	5,000.00	.....
Instruction of the indigent blind	.....	.....	6,000.00	.....	6,000.00	.....
Total, public schools	2,441,159.00	1,789	4,147,590.00	1,912	2,401,517.00	1,852
Metropolitan police:						
For salaries	912,545.63	791	1,021,413.35	894	915,293.35	791
Miscellaneous expenses	47,755.00	.....	98,005.00	.....	42,530.00	.....
House of Detention	12,740.00	15	12,980.00	15	12,740.00	15
Harbor patrol	4,220.00	4	7,460.00	7	4,220.00	4
Total, Metropolitan police	977,260.63	810	1,139,858.35	916	974,783.35	810
Fire department:						
For salaries	465,170.00	409	493,850.00	436	490,830.00	432
Miscellaneous expenses	105,360.00	.....	124,060.00	.....	109,530.00	.....
Increase of department	70,250.00	.....	190,250.00	.....	54,750.00	.....
High-pressure fire-service system	.....	.....	750,000.00	.....	.....	.....
Total, fire department	640,780.00	409	1,558,160.00	436	655,110.00	432

Maintaining disinfecting service	5,000.00		5,000.00		5,000.00	
Emergency fund, drainage of lots	5,000.00		5,000.00		5,000.00	
Detection of adulteration of drugs and foods	100.00		100.00		100.00	
Regulating sale of milk	1,000.00		3,000.00		1,000.00	
Expenses of sanitary and food inspectors	2,000.00		5,000.00		3,000.00	
Isolating wards, Garfield and Providence hospitals	8,000.00		8,000.00		8,000.00	
Repairs to isolating wards	2,000.00					
Allotment to maintain horses and vehicles			1,200.00			
Additional pound wagon			500.00			
Repair of roadways to smallpox hospital	800.00					
Removal of weeds, etc			5,000.00			
Site for pound			10,000.00			
Erection and equipment of pound, etc			19,510.00			
Stable for smallpox hospital			12,500.00			
Maintenance of the public crematory	3,000.00		3,000.00		3,000.00	
Total, health department	103,960.00	41	196,870.00	65	103,960.00	43
Courts:						
Opinions of court of appeals, District of Columbia	165.00		150.00		150.00	
Juvenile court, salaries	8,240.00	5	9,420.00	6	8,240.00	5
Miscellaneous expenses	3,780.00		4,455.00		3,880.00	
Police court, salaries	25,800.00	26	28,410.00	26	27,000.00	26
Miscellaneous expenses	14,350.00		21,600.00		17,850.00	
Writs of lunacy	2,500.00		2,500.00		2,500.00	
Justices of the peace	17,400.00	6	24,000.00	6	17,400.00	8
Total, courts	72,235.00	37	90,535.00	38	77,020.00	39
Interest and sinking fund	975,408.00		975,408.00		975,408.00	
General emergency fund	8,000.00		8,000.00		8,000.00	
Courts and prisons:						
Support of convicts	45,000.00		45,000.00		45,000.00	
Salaries, court-house employees	10,080.00	15	10,080.00	15	10,080.00	15
Metal file cases, clerk's office of supreme court of the District of Columbia	25,000.00					
Rebinding, etc., of records of the old circuit court of the District of Columbia	2,000.00					

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Courts and prisons—Continued.						
Warden of the jail	$2,000.00	1	$2,000.00	1	$2,000.00	1
Support of prisoners	50,000.00		50,000.00		50,000.00	
Fees of witnesses, supreme court, District of Columbia	12,000.00		40,000.00		15,000.00	
Fees of jurors, District of Columbia	54,000.00		55,000.00		55,000.00	
Pay of bailiffs, etc., supreme court of the District of Columbia	25,800.00		26,000.00		25,800.00	
Miscellaneous expenses, supreme court, District of Columbia	22,000.00		31,000.00		23,000.00	
Total, courts and prisons	247,880.00	16	259,080.00	16	225,880.00	16
Charities and corrections:						
Board of Charities	14,620.00	16	16,560.00	16	14,720.00	16
Reformatories and correctional institutions—						
Washington Asylum, salaries	37,251.00	82	43,896.00	58	38,416.00	82
Miscellaneous expenses	48,000.00		55,000.00		50,000.00	
Repairs to buildings	2,000.00		2,000.00		2,000.00	
Destitute women and children	200.00		2,400.00		2,400.00	
Erection of north wing of workhouse for males			110,000.00			
Additional buildings	85,000.00					
Removal of disinfecting station			1,000.00			
Repairing main almshouse building	3,000.00					
Home for the Aged and Infirm	11,004.00	24	14,092.00	31	11,484.00	25

Medical charities:						
Freedmen's Hospital and Asylum	25,500.00		25,500.00		25,500.00	
Columbia Hospital and Lying-in Asylum	20,000.00		20,000.00		20,000.00	
Repairs	2,000.00		4,520.00		2,000.00	
Children's Hospital	14,000.00		14,000.00		14,000.00	
National Homeopathic Hospital	8,000.00		8,500.00		8,000.00	
Central Dispensary and Emergency Hospital	15,000.00		15,000.00		15,000.00	
Repairs	4,000.00					
Eastern Dispensary (including for 1908, $2,000 in deficiency act)	4,000.00		6,000.00		4,000.00	
Women's clinic	750.00		500.00			
Washington Home for Incurables	4,000.00		4,000.00		4,000.00	
Georgetown University Hospital	3,000.00		3,000.00		3,000.00	
George Washington University Hospital	3,000.00		3,000.00		3,000.00	
Tuberculosis Hospital	11,600.00	36	13,040.00	39	11,600.00	36
Maintenance	22,500.00		25,000.00		25,000.00	
Erection of hospital for chronic and convalescent patients			100,000.00			
Providence Hospital			19,000.00			
Garfield Memorial Hospital			19,000.00			
Child-caring institutions:						
Board of Children's Guardians	80,420.00	9	70,600.00	9	66,420.00	9
Industrial Home School for Colored Children	16,620.00	14	18,680.00	14	13,620.00	14
Industrial Home School	7,588.00	17	7,588.00	17	7,588.00	17
Maintenance	9,412.00		9,412.00		9,412.00	
Repairs, etc	3,000.00		2,000.00		2,000.00	
Operating pumping plant	550.00		550.00		550.00	
National Association for Relief of Destitute Colored Women and Children	9,900.00		9,900.00		9,900.00	
Washington Hospital for Foundlings	5,400.00		5,400.00		5,400.00	
St. Ann's Infant Asylum	5,400.00		5,400.00		5,400.00	
German Orphan Asylum	900.00		600.00		600.00	
Temporary homes—						
Municipal Lodging House	3,700.00	3	3,700.00	3	3,700.00	3
Temporary Home for Ex-Union Soldiers and Sailors	5,500.00	3	5,500.00	3	2,500.00	3
Hope and Help Mission	2,000.00		2,000.00		2,000.00	
Miscellaneous—						
Hospital for the Insane	272,800.00		294,800.00		280,000.00	
Deportation of nonresident insane	3,000.00		3,000.00		3,000.00	

Comparative statement showing the appropriations for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909—Continued.

Object.	Appropriations for 1908.		Estimates for 1909.		Recommended for 1909.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
Charities and corrections—Continued.						
Miscellaneous—Continued.						
Relief of the poor	$12,300.00	.....	$12,300.00	.....	$12,300.00	.....
Transportation of paupers	3,000.00	.....	3,000.00	.....	3,000.00	.....
Total, charities and corrections	851,930.00	222	1,067,265.00	209	756,337.00	223
Militia	70,120.00	2	72,950.00	2	71,920.00	2
Grand total, District of Columbia, exclusive of water department	10,309,332.63	3,901	13,667,266.35	4,313	9,436,289.35	4,068
Amount payable from District revenues	5,179,666.31	.....	6,833,633.17	.....	4,718,144.67	.....
Amount payable from United States Treasury	5,129,666.32	.....	6,833,633.18	.....	4,718,144.67	.....
Water department:						
Salaries	88,266.00	89	84,860.00	84	79,660.00	82
Contingent expenses	3,000.00	.....	4,000.00	.....	3,500.00	.....
Fuel and repairs to machinery	42,000.00	.....	42,000.00	.....	42,000.00	.....
Extension of high-service system (indefinite).						
Total, water department	133,266.00	89	130,860.00	84	125,160.00	82
Grand total, including water deparment	10,442,598.63	3,990	13,798,126.35	4,397	9,561,449.35	4,150

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